

## PUBLIC RECORD

Dates: 22/05/2023 - 23/05/2023

Medical Practitioner's name: Dr Faisal NAWAZ  
GMC reference number: 7563531  
Primary medical qualification: MB ChB 2017 University of Manchester

Type of case	Outcome on impairment
Review - Conviction	Not Impaired
Review - XXX	Not Impaired

**Summary of outcome**  
Conditions revoked

**Tribunal:**

Legally Qualified Chair	Mr David Urpeth
Lay Tribunal Member:	Ms Rachel Jones
Medical Tribunal Member:	Dr Neil Smart
Tribunal Clerk:	Mr Josh Dayco

**Attendance and Representation:**

Medical Practitioner:	Present and represented
Medical Practitioner's Representative:	Mr Paul Renteurs, Counsel, instructed by the MDU
GMC Representative:	Mr Neil Shand, 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 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 - 23/05/2023**

1. This determination will be read in private. However, as this case concerns Dr Nawaz's conviction, a redacted version will be published at the close of the hearing with those matters relating to XXX removed.

#### **The Outcome of Applications Made during the Impairment Stage**

2. The Tribunal directed, in accordance with Rule 41(X) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004 ('the Rules'), and with the agreement of both parties, that the entire hearing should be held in private XXX. However, as this case also concerns Dr Nawaz's conviction, a redacted version will be published at the close of the hearing with those matters relating to XXX removed.

#### **Background**

##### The 2021 Tribunal

3. Dr Nawaz's case was first considered by a Medical Practitioners Tribunal in April 2021 ('the 2021 Tribunal'). Dr Nawaz qualified in 2017 from the University of Manchester and he completed his Foundation Year 1 (FY1) training with the East Lancashire Hospitals NHS Trust ('the Trust') on 31 July 2018. At the time of the events necessitating the 2021 Tribunal, Dr Nawaz had started his Foundation Year 2 (FY2) training.
4. The facts that were admitted and found proved at the 2021 hearing can be summarised as follows: Dr Nawaz received convictions and was sentenced for one count of dangerous driving and two counts of driving a motor vehicle with the proportion of a specified controlled drug above the specified limit.
5. Dr Nawaz was arrested on 25 February 2019 for dangerous driving after failing to stop for the police. As a result of seeing a vehicle travelling at high speed (well over 50mph in a 30mph zone) at 00.42 hours, Inspector A turned his police vehicle around, illuminated his blue lights and sirens indicating for the vehicle which was driven by Dr Nawaz to stop. The car failed to stop, and a pursuit commenced through residential streets at high speeds and causing members of the public to make emergency stops to avoid the car. He was arrested for offences of dangerous driving and driving under the influence of a controlled drug.

6. The initial concerns were raised with the GMC on 1 March 2019 by XXX the Trust. XXX Dr Nawaz was informed at a meeting with the Director of Medical Education that he had not been successful in his FY2 year and would need to repeat it. XXX. Dr Nawaz had been absent from work since 14 February 2019, except for a short period in January 2020 when he undertook a supernumerary shadowing post in intensive care. However, he returned to XXX leave after making two clinical errors which were corrected by others and did not therefore result in patient harm.
7. XXX.
8. The 2021 Tribunal took account of XXX. The 2021 Tribunal had regard to Dr Nawaz's comments that he acknowledged that his convictions were his fault, and he was not trying to blame outside factors. He accepted that his fitness to practise was impaired. In terms of the risk of repetition, the Tribunal found this to be linked with XXX. It was of the view that, if Dr Nawaz XXX, the risk of any further criminal offence was low but if not, then there was a much higher risk.
9. The 2021 Tribunal determined that Dr Nawaz had shown insight into his actions in his witness statement and through his oral evidence. The 2021 Tribunal referred to the serious nature of the convictions. It determined that Dr Nawaz's fitness to practise was impaired by reason of his convictions.
10. XXX.
11. The 2021 Tribunal therefore determined that Dr Nawaz had shown insight into his actions, as shown in his witness statement and through his oral evidence, but it was still developing.
12. XXX.
13. The 2021 Tribunal concluded that it was appropriate, necessary and proportionate to impose conditions on Dr Nawaz's registration for a period of 12 months. It considered that this time period would allow adequate time for Dr Nawaz to demonstrate XXX and for him to restart his return to work in a phased and controlled manner.

#### The 2022 Tribunal

14. Dr Nawaz's case was reviewed by a Medical Practitioners Tribunal in 12 – 13 May 2022 and 13 June 2022 ('the 2022 Tribunal'). XXX.
15. XXX.
16. In relation to Dr Nawaz's impairment by reason of his conviction, the 2022 Tribunal found that Dr Nawaz's conviction was inextricably linked to XXX. It noted that whilst it was submitted by Counsel that the conviction had been marked by the 12-month period

of conditions, the 2022 Tribunal was also mindful that the conditions, in respect of condition XXX, which had been an important factor considered by the earlier Tribunal, had been breached.

17. Given that Dr Nawaz's XXX is inextricably linked to his convictions, the 2022 Tribunal determined that Dr Nawaz's breach of conditions set by the 2021 Tribunal and the lack of transparency and candour around his breach indicated that neither had been fully or adequately addressed by him and his insight. It noted that whilst his insight was developing, it was not yet sufficient for the 2022 Tribunal to be satisfied that Dr Nawaz was not impaired as a result both of his conviction and XXX. Accordingly, the 2022 Tribunal found that Dr Nawaz's fitness to practise remains impaired in respect of his conviction.
18. Turning to sanction, the 2022 Tribunal determined to impose a period of conditions for 12 months. It considered that this was an appropriate and proportionate length of time that would allow Dr Nawaz to further reflect, and demonstrate XXX, under supervision.
19. The 2022 Tribunal suggested that a future Tribunal reviewing Dr Nawaz's case may be assisted by the following:
  - Reflections on his current situation, XXX;
  - XXX;
  - XXX;
  - XXX;
  - Evidence that he has kept his medical skills and knowledge up to date, including a report from his clinical and educational supervisors;
  - XXX;
  - Any other information that Dr Nawaz considers that may assist.

### Today's Review Hearing

20. At this review hearing the Tribunal now has to decide, in accordance with Rule 22(1)(f) of the Rules, whether Dr Nawaz's fitness to practise is impaired by reason of XXX and a conviction, and whether the practitioner has failed to comply with any requirement imposed upon him as a condition of registration.

### The Evidence

21. The Tribunal has taken into account all the evidence received, both oral and documentary.
22. Dr Nawaz provided his own witness statement dated 15 April 2023. He also gave oral evidence to the Tribunal.

23. The Tribunal received:

- Various correspondence between the GMC and Dr Nawaz;
- XXX;
- XXX;
- Various correspondence between the GMC and Dr Nawaz’s legal representative;
- Workplace report from Dr C, dated 17 October 2022 and 23 March 2023;
- XXX;
- XXX;
- XXX;
- XXX;
- XXX;
- XXX.

### Submissions

#### On behalf of the GMC

24. Mr Shand, Counsel, submitted Dr Nawaz’s fitness to practise is still impaired by reason of his conviction and XXX. Mr Shand referred the Tribunal to the background of the case and previous determination made by the 2021 and 2022 Tribunal. XXX.
25. Mr Shand submitted that the GMC’s position is in line with the findings of XXX, which is that Dr Nawaz is fit to practise with restrictions. He said that given the background and history of Dr Nawaz’s problems, the progress Dr Nawaz had made since the last review hearing appears to be significant. However, it does not remove all concerns. Mr Shand submitted that this is not a situation that sufficient progress had been made to allow a finding of no current impairment.

#### On behalf of Dr Nawaz

26. XXX.
27. Mr Renteurs submitted that Dr Nawaz appears before the Tribunal today as a clinically competent practitioner who appears to be well liked and respected by his peers and contemporaries. Dr Nawaz’s supervisors XXX agree that he has a good deal of insight XXX.
28. Mr Renteurs submitted that the GMC cannot subject Dr Nawaz to restrictions indefinitely simply because of the seriousness of the matters that originated these proceedings or because of the risk of XXX and repetition. He said that Dr Nawaz had always spoken candidly of his reflection on the offence, and it is a plainly a matter of shame and regret for him, which he had committed himself to not repeating. Mr Renteurs submitted that Dr Nawaz understands the impact that such offending can have on the reputation of the

profession and that he had worked hard to earn his place, returning to work and practising in the career he loves.

29. XXX. Mr Renteurs submitted that the question before the Tribunal today is not whether it would be desirable but rather if it is necessary and proportionate, given the significant progress made by Dr Nawaz.
30. XXX. Mr Renteurs said that a fair and reasonable member of the public, who knew the full facts of Dr Nawaz's case now and the steps he had taken, would be of the view that this is someone who had addressed their behaviour, had made improvements and can be trusted to make a positive contribution to the medical profession.

### The Relevant Legal Principles

31. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone. As noted above, the previous Tribunal set out the matters 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 practise.
32. This Tribunal must determine whether Dr Nawaz's fitness to practise is impaired today, taking into account Dr Nawaz's conviction and XXX at the time of the events and any relevant factors since then such as whether the matters are remediable, have been remedied and any likelihood of repetition.

### The Tribunal's Determination on Impairment

33. This Tribunal, in agreement with the 2022 Tribunal, found that Dr Nawaz's convictions were inextricably linked to XXX.

XXX

34. XXX.
35. XXX.
36. XXX.
37. XXX.
38. XXX.
39. XXX.
40. XXX.

41. The Tribunal considered the lapse of time since the incidents occurred in contrast with the progress made by Dr Nawaz. It noted that Dr Nawaz has fully recognised the seriousness of his actions, had demonstrated sufficient insight and had taken significant steps to remediate. XXX.

42. XXX.

43. XXX.

#### Conviction

44. The Tribunal considered whether Dr Nawaz's fitness to practise remains impaired by reason of his conviction. Given that the Tribunal found that Dr Nawaz's convictions were inextricably linked to XXX, it adopts the same reasoning as it already found above.

45. Therefore, the Tribunal determined that Dr Nawaz's fitness to practise is no longer impaired by reason of conviction.

46. The Tribunal has noted that the current conditions on Dr Nawaz's registration are due to expire on 12 June 2023. In light of its findings on impairment, the Tribunal sees no reason why such restrictions should continue. Therefore, the Tribunal revokes the order of conditions with immediate effect.

47. That concludes the case.