

PUBLIC RECORD

Date: 30/06/2023

Medical Practitioner's name: Dr Mohamed Ali Suleiman ALI

GMC reference number: 6089708

Primary medical qualification: MB BS 1982 University of Khartoum

| Type of case | Outcome on impairment |
|---------------------|-----------------------|
| Review - Misconduct | Impaired |

Summary of outcome

Erasure

Tribunal:

| | |
|--------------------------|---------------------|
| Legally Qualified Chair | Mr Ian Comfort |
| Lay Tribunal Member: | Mr Birju Kotecha |
| Medical Tribunal Member: | Dr Anjali Ahluwalia |
| | |
| Tribunal Clerk: | Mrs Rachel Horkin |

Attendance and Representation:

| | |
|-----------------------|---------------------------------|
| Medical Practitioner: | Not present and not represented |
| GMC Representative: | Mr Martin Mensah, 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 Impairment - 30/06/2023

Background

1. Dr Ali qualified in 1982 with a MB BS from the University of Khartoum in Sudan. The concerns which gave rise to the initial proceedings include that, whilst practising as a Consultant Paediatrician at the Imperial Hospital in Khartoum, Sudan, Dr Ali completed or authorised another to complete on his behalf, a Revalidation Appraiser report form that contained false information. It was also alleged that Dr Ali's actions were dishonest. Prior to the events which led to the GMC investigation, Dr Ali was practising as a locum Consultant Paediatrician with Direct Medics Limited ('Direct Medics'). Dr Ali worked for Direct Medics from 21 June 2005 to 13 January 2017.

The 2021 Hearing ('The 2021 Tribunal')

2. Dr Ali's case was first considered by a Medical Practitioners Tribunal between 4 May 2021 and 10 May 2021 ('the 2021 Tribunal'). Dr Ali was not present nor represented at that hearing.

3. The 2021 Tribunal found proved the allegation that Dr Ali had authorised Dr A to complete the form on his behalf using his details and that he had informed Dr A that he had a prescribed connection to Direct Medics. It further found that, at the time the form was completed, Dr Ali knew he did not have a connection to Direct Medics or a licence to practice and his actions were found to be dishonest in that he knew he had no connection to Direct Medics when the form was completed.

4. With regard to impairment, the 2021 Tribunal considered that Dr Ali's dishonest actions and lack of professionalism would be considered deplorable by his fellow practitioners. It determined that Dr Ali's misconduct involved serious breaches of Good Medical Practice ('GMP') and amounted to serious misconduct. Whilst the 2021 Tribunal acknowledged Dr Ali's apology and accepted that he had shown some remorse in stating that he was sorry for his mistake, it considered that it had not seen any evidence of insight from him or any recognition of the potential damage to patient safety that could have resulted from providing false information and undermining the integrity of the GMC appraisal process. Further, the 2021 Tribunal was mindful that it had seen no evidence of remediation from Dr

Ali or any reflective documents to outline whether he would now approach the situation, which led to his misconduct, differently. Taking all matters into consideration, the 2021 Tribunal considered that there was a significant likelihood of Dr Ali repeating his actions.

5. The 2021 Tribunal found Dr Ali's fitness to practise was impaired by reason of misconduct. It determined to suspend Dr Ali's registration for a period of 12 months on the basis that this period would mark the seriousness of his actions, and to demonstrate clearly to Dr Ali, the profession and the public that his actions were unacceptable. The 2021 Tribunal also determined that this period would provide Dr Ali with a proper opportunity to demonstrate that he has developed the required insight into his misconduct, acknowledge the impact of his actions on public confidence in the profession, and take appropriate steps to remediate.

The June 2022 Review Hearing ('The June 2022 Tribunal')

6. Dr Ali's first review took place on 1 June 2022. Dr Ali was neither present nor represented at that hearing.

7. From the evidence that Dr Ali had provided, the June 2022 Tribunal was of the view that Dr Ali appeared to have minimised the seriousness of his misconduct, in particular, his dishonesty. As an experienced consultant working in the UK for some years, he should have been familiar with and always operated in accordance with GMP. Dr Ali had not provided any evidence of remediation or insight into the concerns identified by the 2021 Tribunal. The June 2022 Tribunal remained concerned that Dr Ali had not provided evidence to satisfy it that he was safe to return to practise without restrictions. It further considered that there remained a risk of him repeating his misconduct.

8. The June 2022 Tribunal concluded that it would undermine the public's confidence in the profession if a finding of impairment were not made and accordingly found that Dr Ali's fitness to practise remained impaired.

9. Accordingly, the June 2022 Tribunal determined that a further suspension was the appropriate and proportionate response in this case.

10. The Tribunal determined that imposing a period of 6-month suspension would be appropriate and sufficient to allow Dr Ali to demonstrate full remediation.

The December 2022 Review Hearing ('The December 2022 Tribunal')

11. Dr Ali's second review took place on 16 December 2022. Dr Ali was neither present nor represented at that hearing.
12. The December 2022 Tribunal noted that there were no concerns in relation to Dr Ali's clinical practice but concluded that his reflections on his dishonesty and the impact of this on the public confidence in the profession, fell short. The December 2022 Tribunal considered that Dr Ali had received explicit guidance explaining what was required of him at that review hearing, both from the previous Tribunals and also from the GMC Investigation Officer and determined that he had failed to provide what was necessary by way of evidence.
13. The December 2022 Tribunal was of the view that he continued to fail to acknowledge the seriousness of his misconduct, in particular, the finding of dishonesty. The December 2022 Tribunal noted that Dr Ali had not provided any evidence of reflection, remediation or insight into the concerns identified by the previous Tribunals.
14. The December 2022 Tribunal had not been provided with the evidence suggested by the June 2022 Tribunal, as set out above. It considered that Dr Ali had failed to address the concerns identified in this case. In the circumstances, it was of the view that Dr Ali had not provided sufficient evidence to satisfy it that he has addressed the concerns raised by his past dishonesty, and that there remained a risk of him repeating his misconduct.
15. Further, the December 2022 Tribunal considered that public confidence would be undermined if a finding of impairment were not made in a case which involved dishonesty and where the dishonesty had not been reflected upon and remediated. It therefore found that Dr Ali's fitness to practise remained impaired by reason of misconduct.
16. Accordingly, the December 2022 Tribunal determined that a further suspension was the appropriate and proportionate response in this case. The December 2022 Tribunal determined that imposing a period of 4-month suspension would be appropriate and an adequate timeframe to allow Dr Ali to demonstrate full remediation.

The March 2023 Review Hearing ('The March 2023 Tribunal')

17. Dr Ali's third review took place on 31 March 2023. Dr Ali was neither present nor represented at that hearing.
18. The March 2023 Tribunal considered that Dr Ali had been suspended for a significant period of time. Yet, despite previous tribunals explaining explicitly the areas for him to

address which would assist in making further decisions, he still failed to demonstrate an appreciation of the importance of honesty in relation to his misconduct.

19. The March 2023 Tribunal considered that Dr Ali's focus was on his clinical abilities and his interactions with patients rather than the core issue of his dishonesty. He continued to overlook the need to address his dishonesty and how it impacts on patients, his colleagues, and the public. Dr Ali needed to understand and appreciate that there is more to being a doctor than clinical skills.

20. The March 2023 Tribunal concluded that Dr Ali had not taken matters in relation to his misconduct with an appropriate degree of seriousness as he had not addressed the primary issue of his dishonesty. Accordingly, the March 2023 Tribunal found that Dr Ali's fitness to practise remained impaired by reason of his misconduct.

21. The March 2023 Tribunal determined that a further period of suspension would be sufficient to uphold the overarching objective, would send a message to the profession and the wider public and was appropriate until Dr Ali had fully remediated his misconduct.

22. The March 2023 Tribunal concluded that extending Dr Ali's current suspension for a period of three months was an adequate time frame for Dr Ali to provide evidence of remediation and insight into his dishonesty.

23. The March 2023 directed a review and considered that a reviewing Tribunal would be assisted by:

- Evidence that Dr Ali has reflected on the Tribunal's findings and developed further insight into his failings. This may take the form of a reflective statement and might cover, for example:
 - Developed insight into his misconduct as identified by the 2021 Tribunal, particularly his dishonesty;
 - The impact of his misconduct on the reputation of, and public confidence in, the medical profession;
 - Recognition of the potential damage to patient safety in that his misconduct undermined the integrity of the GMC appraisal process;
 - How he would avoid such a situation from recurring.
- Any other relevant evidence Dr Ali wished to present to the Tribunal.

Today's hearing

24. At this review hearing the Tribunal now 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 Ali's fitness to practise is impaired by reason of misconduct.

The Outcome of Applications Made during the Impairment Stage

25. The Tribunal has acknowledged the email sent from Dr Ali dated 11 May 2023 in which he outlined his personal circumstances,

"It seems to me that all the tribunal members living in different planet as we live sorry to say that but. I was traumatised twice ... for five years for which things happened by mistake and I apologized for that many times and wrote statements re that subject and I think it will continue the same till I die..."

26. The Tribunal had regard to the email received from Dr Ali dated 17 May 2023 in which he wrote,

"Dear XXX thank you again if you could forward my previous email to all involved...Please let me be in peace..."

27. The Tribunal granted the GMC's application, made pursuant to Rules 40 and 31 of the Rules, that service of this hearing had been effected and that it should proceed in Dr Ali's absence. Its full determination in relation to these matters can be found at Annex A.

Submissions

28. On behalf of the GMC, Mr Martin Mensah, Counsel rehearsed the background of the case and submitted that Dr Ali's fitness to practice remains impaired by reason of his misconduct.

The Relevant Legal Principles

29. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone. This Tribunal is aware that it is for the doctor to satisfy it that he would be safe to return to unrestricted practise.

30. This Tribunal must determine whether Dr Ali's fitness to practise is impaired today, taking into account his conduct 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

31. The Tribunal has reminded itself of the documents that the previous Tribunal considered would be of assistance to any reviewing Tribunal. Dr Ali has not provided any evidence to this Tribunal to support that his fitness to practice is no longer impaired.

32. The Tribunal agreed with the March 2023 Tribunal that Dr Ali's dishonesty had not been remedied. He continues to show no insight into the impact of his dishonesty on patients, the profession or the public.

33. This Tribunal has therefore determined that Dr Ali's fitness to practise is impaired by reason of misconduct.

Determination on Sanction - 30/06/2023

34. Having determined that Dr Ali's fitness to practise is impaired by reason of misconduct, the Tribunal now has to decide in accordance with Rule 22(1)(h) of the Rules what action, if any, it should take with regard to Dr Ali's registration.

Submissions

35. On behalf of the GMC, Mr Mensah submitted that there should be a further period of suspension. Mr Mensah submitted that the GMC has considered the personal mitigating circumstances that Dr Ali has prescribed in his 11 May email and reminded the Tribunal that there is no burden or standard of proof at this stage. Mr Mensah reminded the Tribunal that it must consider the Sanction Guidance (SG) when reaching its decision.

36. Mr Mensah reminded the Tribunal that the main reason to impose a sanction is to protect the public and uphold the overarching objective. He further reminded the Tribunal that sanctions are not to be punitive but may have this effect. He also reminded the Tribunal that it should start with the least restrictive sanction, keep in mind the principle of proportionality and that the proper sanction is a matter for the Tribunal exercising its own judgement.

37. Mr Mensah submitted that the Tribunal should keep in mind that previous Tribunal's have suspended Dr Ali's fitness to practise and that the Tribunal should impose the least restrictive sanction possible.

The Tribunal's Determination

No action

38. The Tribunal first considered whether to conclude the case by taking no action. It accepted that taking no action following a finding of impaired fitness to practise would only be appropriate in exceptional circumstances. The Tribunal found that there are no exceptional circumstances that would warrant taking no action.

Conditions

39. The Tribunal next considered whether to impose conditions on Dr Ali's registration. Conditions can be appropriate and workable in certain circumstances, usually where specific shortcomings have been identified in a doctor's practice or support is required for their health.

40. The Tribunal considered that there is no evidence before it to suggest that Dr Ali would comply with any conditions imposed on his registration. The Tribunal also reminded itself that Dr Ali is currently not working in clinical practice, does not have a license to practise and therefore conditions are not workable or enforceable.

Suspension

41. The Tribunal then went on to consider whether suspending Dr Ali's registration would be appropriate and proportionate and reminded itself of its previous findings in respect of impairment.

42. The Tribunal took account of the following paragraphs of the SG which indicate circumstances in which it may be appropriate to impose a sanction of suspension:

"97 Some or all of the following factors being present (this list is not exhaustive) would indicate suspension may be appropriate.

g The tribunal is satisfied the doctor has insight and does not pose a significant risk of repeating behaviour."

43. The Tribunal considers that the circumstances outlined in Dr Ali’s email of 11 May 2023 in which he wrote about his current situation,

“...war in Sudan and I mentioned many times we are living in a situation where there is difficulty in getting electricity and internet and water for four years and that ended with aggressive war in which I lost my home and cars and fled to Egypt by road took me over a week to reach Cairo with no food and no sleep and blood pressure shooting up and my family in U.K. have difficulty to reach me

So now we are in Cairo having XXX support and food and shelter awaiting to be evacuated to reunite with my family...”

And also the 17 May 2023,

“...XXX please let me be in peace XXX” [sic]

44. The Tribunal was satisfied that the information provided by Dr Ali was a mitigating factor in this matter. However, the Tribunal has reminded itself that this is the fourth review of these matters and that Dr Ali’s registration has been suspended due to the underlying misconduct since May 2021. The Tribunal further reminded itself that the misconduct occurred in 2019. The Tribunal also considered there was no indication in any correspondence before it of Dr Ali’s willingness to demonstrate insight in future when his circumstances may change.

45. The Tribunal acknowledges that previous reviewing Tribunals have noted Dr Ali’s persistent lack of insight and failure to remediate. This Tribunal is not satisfied that a further period of suspension would lead to Dr Ali engaging meaningfully in this process.

Erasure

46. The Tribunal went on to consider whether the sanction of erasure was appropriate and proportionate in this case.

47. The Tribunal considered the following paragraphs of the SG to apply to this case:

“108. Erasure may be appropriate even where the doctor does not present a risk to patient safety, but where this action is necessary to maintain public confidence in the

profession. For example, if a doctor has shown a blatant disregard for the safeguards designed to protect members of the public and maintain high standards within the profession that is incompatible with continued registration as a doctor.

109. Any of the following factors being present may indicate erasure is appropriate (this list is not exhaustive).

a A particularly serious departure from the principles set out in Good medical practice where the behaviour is fundamentally incompatible with being a doctor.

...

h Dishonesty, especially where persistent and/or covered up (see guidance below at paragraphs 120–128).

...

j Persistent lack of insight into the seriousness of their actions or the consequences.

48. The Tribunal considered any sanction other than erasure from the medical record would be insufficient to promote the overarching objective as it has no evidence before it that Dr Ali has developed sufficient insight into his dishonest conduct or has taken appropriate action to remediate.

49. In all the circumstances, the Tribunal determined that erasure was the only appropriate and proportionate sanction. It concluded that this was necessary in furtherance of the overarching objective: to protect and promote the health, safety and wellbeing of the public; maintain public confidence in the medical profession; and to uphold proper professional standards and conduct for members of the profession. The Tribunal therefore directs that Dr Ali's name be erased from the Medical Register.

50. The Tribunal have directed to erase Dr Ali from the Medical Register. The MPTS will send Dr Ali a letter informing of his right of appeal and when the direction and the new sanction will come into effect. The current order of suspension will remain in place during the appeal period.

51. This concludes the case.

ANNEX A – 30/06/2023

Determination on service and proceedings – 30 June 2023

52. Dr Ali is neither present nor represented at these proceedings. The Tribunal considered whether notification of this hearing had been properly served upon Dr Ali.

Service

53. Mr Mensah counsel on behalf of the GMC, submitted that the notice of this hearing was sent by the Medical Practitioners Tribunal Service in accordance with Rule 20(1)(a) of the Fitness to Practise Rules 2004 ('the Rules').

54. The Tribunal was provided with a service bundle, which contained:

- A screenshot of Dr Ali's registered address and email address;
- Notice of Hearing letter sent by MPTS to Dr Ali's registered email address dated 16 May 2023;
- An email sent from Dr Ali to the GMC dated 17 May 2023;
- An email sent from the GMC to Dr Ali dated 19 May 2023 attaching the GMC's information letter and draft bundle pertaining to this hearing.
- Bundle and Dr Ali's response sent 20 May 2023.

55. Mr Mensah submitted that all of the documents were appropriately served in this matter on 28 May 2023.

56. Having considered all the evidence, the Tribunal determined that notice of this hearing had been served in accordance with Rule 40 of the Rules and paragraph 8 of Schedule 4 of the Medical Act 1983.

Proceeding in Absence

57. The Tribunal then went on to consider whether it would be appropriate to proceed with the hearing in Dr Ali's absence pursuant to Rule 31 of the Rules.

58. Mr Mensah submitted that as service has been properly serviced and notice has been properly given it is appropriate for proceedings to continue. Mr Mensah submitted that Dr Ali has not set out a reasonable impediment as to why he cannot attend this hearing.

The Tribunal's decision

59. In reaching its decision the Tribunal has balanced Dr Ali's interests with the public interest in deciding whether to proceed in his absence. The Tribunal reminded itself that the sanction currently imposed on Dr Ali's registration will shortly expire and therefore considers that it is necessary that this hearing proceeds today.

60. The Tribunal is satisfied that Dr Ali has been properly served with notice of these proceedings and considered that he had voluntarily absented himself. Dr Ali had not attended previous review hearings and had not submitted any written representations or documents to this hearing. Dr Ali has not requested an adjournment, and, in the circumstances, an adjournment would serve no useful purpose.

61. In accordance with Rule 31, the Tribunal considers that it is appropriate to proceed in Dr Ali absence and this would cause no injustice to the doctor.