

## PUBLIC RECORD

Date: 18/06/2024

Medical Practitioner's name Dr Mohammad ABDUL GAFFAR  
GMC reference number: 7588951  
Primary medical qualification: MBBS 1984 University of Dhaka – Dhaka  
Medical College

Type of case Outcome on impairment  
Review - Misconduct Not Impaired

Summary of outcome  
Suspension to expire

## Tribunal:

Legally Qualified Chair	Mrs Fiona Barnett
Medical Tribunal Member:	Dr Shehleen Khan
Medical Tribunal Member:	Dr Euan Strachan-Orr
Tribunal Clerk:	Ms Angela Carney

## Attendance and Representation:

Medical Practitioner:	Present, represented
Medical Practitioner's Representative:	Ms Rebecca Harris, Counsel, instructed by Brabners.
GMC Representative:	Ms Frances Connor, 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 - 18/06/2024

1. 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 Abdul Gaffar's fitness to practise is impaired by reason of misconduct.

## Background

2. Dr Abdul Gaffar qualified with a MBBS from Dhaka Medical College, University of Dhaka in 1984. After graduating, he worked in Bangladesh, Iran and Saudi Arabia before moving to the UK in 2018. Between 12 January 2018 and 11 January 2019, Dr Abdul Gaffar worked at the University Hospitals of Morecambe Bay NHS Foundation Trust. He then worked at the Isle of Wight NHS Trust for six months from 19 February 2019 before moving to East Lancashire Hospitals NHS Trust. On 21 September 2020 Dr Abdul Gaffar began working as a Junior Clinical Fellow in the Care of Elderly at the Barking, Havering and Redbridge University Hospitals NHS Trust ('the Trust').

3. Dr Abdul Gaffar's hearing took place in May 2023 (the 2023 Tribunal) and at the outset of that hearing Dr Abdul Gaffar admitted the Allegation in its entirety and the 2023 Tribunal found it proved. The facts found proved can be summarised that between 29 August 2017 and 23 October 2021 Dr Abdul Gaffar provided information that he knew to be untrue during one or more UK visa applications and provided or caused to be provided documents that he knew contained false information in support of the visa applications. The untrue information related to the dates of birth of Dr Abdul Gaffar's two youngest sons, Mr A and Mr B. Dr Abdul Gaffar made false declarations in support of visa applications for Mr A and Mr B and provided untrue information during a UK Visa Application interview on 10 January 2022. The May 2023 Tribunal found that Dr Abdul Gaffar's actions were dishonest.

4. In his oral evidence to the 2023 Tribunal, Dr Abdul Gaffar said (amongst other matters), that if Mr A and Mr B's PBS Visa application had been successful it was his intention that they would be enrolled in a local school in the UK. When asked about potential safeguarding concerns in placing Mr A and Mr B, who were both adult men, in a classroom with children, Dr Abdul Gaffar stated that both were physically small in stature, XXX and very polite and therefore he would have no concerns with them attending a school as students.

5. The 2023 Tribunal found that Dr Abdul Gaffar's actions had breached the principles of paragraphs 1, 65 and 71 of Good Medical Practice (GMP), which state:

*'1. Patients need good doctors. Good doctors make the care of their patients their first concern: they are competent, keep their knowledge and skills up to date, establish and maintain good relationships with patients and colleagues, are honest and trustworthy, and act with integrity and within the law.*

*65. You must make sure that your conduct justifies your patients' trust in you and the public's trust in the profession.*

*71. You must be honest and trustworthy when writing reports, and when completing or signing forms, reports and other documents. You must make sure that any documents you write or sign are not false or misleading.*

*a. You must take reasonable steps to check the information is correct.*

*b. You must not deliberately leave out relevant information.'*

6. The 2023 Tribunal was satisfied that Dr Abdul Gaffar's actions amounted to serious misconduct.

7. Whilst the 2023 Tribunal found that Dr Abdul Gaffar had taken steps to remediate his conduct, it noted that he had attended courses on ethics and probity relatively recent to the hearing and only following a recommendation by his Responsible Officer and Clinical Supervisor.

8. The 2023 Tribunal noted that Dr Abdul Gaffar's reflections demonstrated his lack of knowledge and familiarity with GMP, addressed his dishonest actions and his learning from the courses he had attended. The 2023 Tribunal also noted that Dr Abdul Gaffar's later reflections included consideration of the impact of his actions on the reputation of the profession and public confidence in it. It was concerned however that Dr Abdul Gaffar's strategy for preventing future episodes of dishonesty was limited to not making further visa applications for Mr A and B.

9. The 2023 Tribunal considered that Dr Abdul Gaffar did not appear to appreciate that doctors were trusted not just by their patients to ensure the accuracy of documents being signed but they were trusted by wider society including public administration. The 2023 Tribunal was satisfied that Dr Abdul Gaffar's actions in signing false declarations had the potential to undermine the public's trust in the veracity of information bearing a doctor's signature, but he did not appear to have appreciated the significance of that.

10. The 2023 Tribunal noted, with significant concern, that Dr Abdul Gaffar had failed to appreciate the potential consequences of his actions in certifying adult men as children and placing them in a school environment. The Tribunal formed the view that Dr Abdul Gaffar had

failed to consider whether he was able to make an informed assessment of these potential consequences, including the risks which they may have posed.

11. Whilst the 2023 Tribunal determined that Dr Abdul Gaffar had demonstrated some insight into his behaviour, it found that it was in the early stages of development and could not be satisfied that the risk of repetition of dishonesty was low.

12. The 2023 Tribunal found that all three limbs of the overarching objective were engaged and determined that Dr Abdul Gaffar's fitness to practise was impaired by reason of his misconduct.

13. The 2023 Tribunal determined that there were no exceptional circumstances and therefore taking no action was not appropriate. It also determined that a period of conditional registration would be insufficient to mark the seriousness of the misconduct, would not satisfy the statutory overarching objective, public interest or uphold or maintain public confidence in the profession.

14. The 2023 Tribunal considered that the decision on whether suspension or erasure was the appropriate sanction was finely balanced. It concluded that a sanction of suspension was appropriate and proportionate, balancing the interests of Dr Abdul Gaffar with addressing public confidence in the profession, upholding professional standards and sending a message to the profession about the importance of probity in all aspects of a doctor's life.

15. The 2023 Tribunal accepted that Dr Abdul Gaffar had not placed his patients at risk of harm. However, it had regard to its findings that he had potentially exposed children to the risk of harm. It also had regard to its findings as to the seriousness of the misconduct and the identified aggravating and mitigating factors. Having taken all of these factors into account, the Tribunal determined to impose a period of suspension of 12 months on Dr Abdul Gaffar and directed a review.

16. The 2023 Tribunal considered that a reviewing Tribunal may be assisted if Dr Abdul Gaffar provided:

- Further evidence of remediation;
- Significant development of his insight;
- Written reflective pieces demonstrating an improved understanding of the wider duties of a doctor with regard to safeguarding;
- Written reflective pieces demonstrating an improved understanding of the principles of GMP;
- Evidence demonstrating how he intends to avoid a recurrence of his dishonest behaviour including sources of advice he can rely on when he is in doubt;
- Evidence that he has kept his medical skills up to date including relevant Continuing Professional Development (CPD);
- Any other relevant evidence Dr Abdul Gaffar wishes to present to assist the Tribunal.

17. The Tribunal has taken into account all the evidence received, both oral and documentary.
18. Dr Abdul Gaffar provided a written reflection on his misconduct (undated) sent on 4 June 2024. Dr Abdul Gaffar did not give oral evidence but was willing to do so if required.
19. The Tribunal received the following documentary evidence, which included but was not limited to:
  - Record of Determination May 2023
  - Evidence of Dr Abdul Gaffar’s CPD

### Submissions

20. On behalf of the GMC, Ms Frances Connor, Counsel, provided the background to Dr Abdul Gaffar’s case. Ms Connor submitted that the GMC’s position on Dr Abdul Gaffar’s fitness to practise was neutral. Ms Connor acknowledged that although the documentation Dr Abdul Gaffar provided is detailed and demonstrates remorse, it might not be as focused as the GMC would like in respect of the doctor’s own conduct and safeguarding.
21. On behalf of Dr Abdul Gaffar, Ms Rebecca Harris, Counsel, submitted that Dr Abdul Gaffar’s fitness to practise is not impaired by reason of his misconduct. Ms Harris submitted that Dr Abdul Gaffar continues to acknowledge, accept responsibility, and apologise for his actions. She said that Dr Abdul Gaffar was grateful to be afforded the possibility to return to work and that he has reflected and worked to remedy his misconduct.
22. Ms Harris pointed out that the GMC’s position is “neutral” in relation to Dr Abdul Gaffar’s current impairment, save for the concerns raised today.
23. Ms Harris acknowledged that dishonesty is difficult to remediate, but respectfully submitted that a Tribunal may be satisfied that the misconduct has been remediated. She reminded the Tribunal that the public interest has been marked by the finding of impairment and the suspension. She said that the previous Tribunal considered the misconduct was capable of remediation. She submitted that the public interest element has now been satisfied.
24. Ms Harris submitted that the Tribunal may wish to look at the basis of the findings of the 2023 Tribunal that public protection was engaged in light of Dr Abdul Gaffar’s intention for Mr A and Mr B to be educated in the UK. She reminded the Tribunal that there were no clinical concerns and that he had not placed his patients at risk of harm. She said with the exception of the potential safeguarding implications of this matter, it was acknowledged that Dr Abdul Gaffar was a good doctor.

25. Ms Harris reminded the Tribunal of the 2023 Tribunal's findings in respect of the public interest. She submitted that it is important to note the positive findings of that Tribunal, which sought to give Dr Abdul Gaffar a second chance. Ms Harris reminded the Tribunal of the areas of development identified by the 2023 Tribunal and directed it to Dr Abdul Gaffar's remediation which, she submitted, addressed these concerns. She submitted that Dr Abdul Gaffar's reflection is focussed and addresses the safeguarding concerns and represents significant development of his insight. She referred the Tribunal to Dr Abdul Gaffar's written reflections about safeguarding and reminded it that he has retaken the online safeguarding course in July 2023 and reflected intuitively on that course and his reading.

26. Ms Harris referred the Tribunal's attention to Dr Abdul Gaffar's reflections on his misconduct and submitted that this is a good demonstration of his further insight. She also referred it to Dr Abdul Gaffar's reflections on his understanding of the principles of Good Medical Practice. Ms Harris referred the Tribunal to Dr Abdul Gaffar's strategy to prevent reoccurrence of his misconduct. She submitted that this Tribunal should be reassured that Dr Abdul Gaffar is clearly aware of the issues of honesty and probity and has identified avenues of support.

27. Ms Harris submitted that Dr Abdul Gaffar has done all that was required of him. He has taken steps to remediate his misconduct and has developed insight. She submitted that it is now appropriate and in the public interest for the Tribunal to find that Dr Abdul Gaffar's fitness to practise is no longer impaired.

### **The Relevant Legal Principles**

28. 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 practice.

29. This Tribunal must determine whether Dr Abdul Gaffar'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**

30. Dr Abdul Gaffar provided a written reflection which the Tribunal found to be comprehensive and detailed. It was evident that Dr Abdul Gaffar has focussed carefully on the issues of concern raised by the first Tribunal and has addressed them specifically in his written reflection. In this determination the Tribunal has directed its reasoning to the areas of concern identified by the 2023 Tribunal.

Safeguarding

31. In relation to the safeguarding concerns raised by the 2023 Tribunal, Dr Abdul Gaffar explained in his written reflection that since the first Tribunal hearing, he has re-taken the Trust online safeguarding course, (which was evidenced in the printout of mandatory training). He has also undertaken online research/study with a specific focus on keeping children safe in education, and he provided the links to the documents he has read.

32. In the Tribunal's view, Dr Abdul Gaffar has shown through his written reflection that he now has a much deeper understanding of safeguarding principles in general, and the importance of safeguarding children in education. He has learned, and now recognises, that if he had placed his own adult children in school with children who may have been much younger, (which was his intention at that time), this could have given rise to safeguarding issues such as bullying and could have had an impact on the emotional and physical well-being of younger children within the school environment. Dr Abdul Gaffar accepts that this was an issue he had not considered at that time, but that he should have done so, and he has apologised for this.

33. Dr Abdul Gaffar has demonstrated that he recognises children are among the most vulnerable in society, and that as a Doctor, there is a responsibility on him (and indeed on others) to ensure that children are protected from maltreatment. He has also appreciated that if he had placed his adult children in mainstream school in the UK, this would have had a wider ranging impact on other institutions, such as the local authority and the health system.

#### Dishonesty

34. The 2023 Tribunal raised concerns that Dr Abdul Gaffar had not properly understood the wider implications of his dishonesty. This is an issue that Dr Abdul Gaffar has focussed on in detail in the written reflection provided to this Tribunal. It was evident that he has carefully analysed his dishonest conduct and reflected on it at length.

35. The Tribunal was satisfied that Dr Abdul Gaffar now has a much greater understanding of the wider impact of his dishonesty. It was evident in his written reflection that he now realises others would place significance on documents signed by a doctor, and that dishonesty on the part of a medical professional raises important trust issues amongst the wider public.

36. Dr Abdul Gaffar has shown that he recognises that members of the public may think that if a Doctor behaves dishonestly in his private life, he may also behave this way in his clinical practice. It was evident in Dr Abdul Gaffar's written reflection that he has recognised and understood the important link between the way he behaves in his personal life, and how this could impact on his professional life. The Tribunal was satisfied that he has a well-developed understanding of how his behaviour would have impacted on the confidence that members of the public place in medical professionals, and how it would have damaged the reputation of the profession.

#### Good Medical Practice

37. Dr Abdul Gaffar explained within his written reflection that he has re-studied and continues to study Good Medical Practice, in particular, those parts which address probity and honesty. The Tribunal was satisfied from the content of the written reflection as a whole, that Dr Abdul Gaffar now understands and has a grasp of these principles. He has demonstrated throughout his written reflection that he now remembers them, understands them, and will apply the principles in his personal and professional life.

#### Strategy to prevent repetition

38. The 2023 Tribunal was concerned that at that time, Dr Abdul Gaffar did not have in place an effective strategy to avoid recurrence of his misconduct.

39. In his written reflection, Dr Abdul Gaffar set out the strategy he has developed to address this concern. He stated:

*‘..... I have the following plan to avoid a recurrence of any dishonest behaviour:*

- I shall periodically revise the principles of Good Medical Practice (GMP) especially Domain 4: Maintaining trust. It is about ensuring that the doctors always act and conduct in a way that justifies their patients’ trust in them and the trust of the general public in the medical profession. The doctors must act and behave with respect, honesty, and integrity at all times.*
- I shall speak and take advice from my senior colleagues if I am in doubt in any situation (personal or professional).*
- I also might take advice from my supervisors, appraisers, clinical leads, or possibly legal advisors.’*

40. The Tribunal was satisfied that Dr Abdul Gaffar has properly considered this issue and put an appropriate strategy in place which should serve to avoid any recurrence of his misconduct. He has demonstrated, throughout his written reflection as a whole, that he now has a much better grasp of the seriousness of his misconduct and its wider implications and is much less likely to repeat it in any event.

#### Continuing Professional development

41. The Tribunal noted Dr Abdul Gaffar’s CPD which he has undertaken throughout the period of his suspension. He provided objective evidence of the CPD undertaken. This included attending Trust departmental teaching meetings online, NHS mandatory training (online), attending a two-day conference, and attending online evening update sessions.

42. It also noted that Dr Abdul Gaffar had intended to arrange a clinical attachment, but this had not proved possible.

43. No concerns had been raised about Dr Abdul Gaffar’s clinical practice by the 2023 Tribunal and this Tribunal was satisfied that he has kept his knowledge and skills up to date throughout the period of his suspension.



44. Overall, the Tribunal was satisfied from the evidence before it, that although dishonesty is difficult to remediate, Dr Abdul Gaffar has taken appropriate steps to remediate his misconduct through learning, education/research and reflection. It found that his insight was now well developed, and that the remediation undertaken was sufficient to reduce the risk of repetition, so that it is now very low. He has continued to reflect on his misconduct, and apologise for it.

45. The Tribunal noted paragraph 164 of the Sanction Guidance (February 2024), which states:

*'164 .....in most cases where a period of suspension is imposed, and in all cases where conditions have been imposed, the tribunal will need to be reassured that the doctor is fit to resume practice – either unrestricted or with conditions or further conditions. A review hearing is therefore likely to be necessary, so that the tribunal can consider whether the doctor has shown all of the following (by producing objective evidence):*

- a they fully appreciate the gravity of the offence*
- b they have not reoffended*
- c they have maintained their skills and knowledge*
- d patients will not be placed at risk by resumption of practice or by the imposition of conditional registration.*

46. Having regard to paragraph 164, the Tribunal was satisfied that Dr Abdul Gaffar fully appreciates the gravity of his misconduct, which has not been repeated. It was also satisfied that Dr Abdul Gaffar has maintained his skills and knowledge and that patients will not be placed at risk if he returned to clinical practice. Consequently, the Tribunal was satisfied that Dr Abdul Gaffar's fitness to practise is no longer impaired by reason of his misconduct.

47. The Tribunal noted that the order of suspension on Dr Abdul Gaffar's registration expires on 21 June 2024.

48. The Tribunal noted that Dr Abdul Gaffar's misconduct was serious. The 2023 Tribunal imposed the 12-month order of suspension to mark the seriousness of the misconduct and to send a signal to Dr Abdul Gaffar, the public and the wider profession about behaviour unbecoming a registered doctor. The Tribunal considered that a reasonably informed member of the public, aware of these reasons, would expect the order of suspension to remain in place until it expired.

49. Accordingly, the Tribunal determined that the current order of suspension on Dr Abdul Gaffar's registration should be allowed to expire.

50. That concludes this case.