

PUBLIC RECORD

Dr Masood has lodged an appeal against decisions of this Tribunal. His registration remains suspended while the appeal is considered.

Dates: 20/02/2023 - 10/03/2023
01/08/2023 - 03/08/2023
31/08/2023 - 01/09/2023
09/10/2023 – 20/10/2023

Medical Practitioner's name: Dr Muhammad MASOOD
GMC reference number: 6055530
Primary medical qualification: MB BS 1997 University of Punjab (Pakistan)

Type of case	Outcome on facts	Outcome on impairment
New - Misconduct	Facts relevant to impairment found proved	Impaired

Summary of outcome

Erasure

Immediate order imposed

Tribunal:

Legally Qualified Chair	Mrs Nessa Sharkett
Lay Tribunal Member:	Mrs Barbara Larkin
Medical Tribunal Member:	Dr Jill Edwards

Tribunal Clerk:	Miss Emma Saunders (20/02/2023 - 10/03/2023, 01/08/2023 - 03/08/2023, 31/08/2023 - 01/09/2023, 09/10/2023 - 13/10/2023) Ms Keely Crabtree (16/10/2023 - 20/10/2023)
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Attendance and Representation:

Medical Practitioner:	Present and represented
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Medical Practitioner’s Representative:	Mr James Buchanan, Counsel, instructed by the MDDUS
GMC Representative:	Mr Thomas Moran, Counsel

Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held partly in public and partly 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 Facts - 16/10/2023

1. This determination will be handed down in private. However, as this case concerns Dr Masood's misconduct, a redacted version will be published at the close of the hearing.

Background

2. Dr Masood qualified with MBBS in 1997 from King Edward Medical College in Lahore, Pakistan. He completed his house jobs in Lahore from 1997 to 1998 and then spent four years working towards a fellowship in general surgery. Dr Masood obtained his fellowship of the College of Physicians & Surgeons (FCPS) in 2003, and came to work in the UK in August of that year. Dr Masood undertook a number of Senior House Officer (SHO) posts, including posts in general surgery at the Southern General Hospital and Stirling Royal Infirmary. During this time he obtained his membership of the Royal College of Surgeons (MRCS) in 2005. Dr Masood completed his General Practitioner (GP) training in NHS Forth Valley between August 2007 and August 2010 and obtained his Membership of the Royal College of General Practitioners (MRCGP) in 2010. He has worked as a GP from 2010 and, since September 2012, has been a part-time GP partner at Bridgeton Health Centre in Glasgow. Since January 2022, he has had a regular locum commitment on a Tuesday at Kings Hill Medical Practice in Forth.

3. The allegations that have led to Dr Masood’s hearing relate to his conduct in respect of XXX Ms A. It is alleged by the GMC that, on dates between November 2016 and November 2017, Dr Masood abused Ms A sexually, physically and emotionally. It is also alleged by the GMC that, between March 2019 and June 2020, Dr Masood attempted to interfere with the GMC fitness to practise process when he instructed a lawyer to write to a potential witness in these proceedings (Dr F) to deter her from providing information in support of the concerns raised by Ms A. It is further alleged by the GMC that, on 16 December 2019 at Paisley Sherriff Court, Dr Masood was made the subject of an order for absolute discharge in respect of an offence under S38(1) of the Criminal Justice and Licensing (Scotland) Act 2010 - (XXX).

4. XXX

5. XXX

6. XXX

7. XXX. She XXX on 22 July 2018 and reported Dr Masood to Police Scotland on 3 August 2018. In addition to the statement made to Police Scotland Ms A also produced a statement on 7 August 2018, in support of XXX. XXX the allegations in the statement were denied by Dr Masood XXX. She also attended an interview with the Metropolitan Police in England in August 2018. Dr Masood was charged by Police Scotland in relation to an alleged incident of threatening behaviour, which took place on XXX and was witnessed by XXX and was given an absolute discharge in respect of the same at Paisley Sheriff Court on 3 December 2019.

8. Ms A first raised her concerns with the GMC on 24/25 September 2018.

The Outcome of Applications Made during the Facts Stage

9. On 20 February 2023 the Tribunal granted the GMC’s application, made pursuant to Rule 17(6) of the GMC (Fitness to Practise Rules) 2004 as amended (‘the Rules’), for the amendment of paragraphs 27, 41 and 43 of the Allegation. The Tribunal’s full decision on the application is included at Annex A.

10. The Tribunal agreed, in accordance with Rule 41 of the Rules, that parts of this hearing should be heard in private where the matters under consideration are confidential. Mr Moran, Counsel on behalf of the GMC, stated that although there was some degree of protection for Ms A given the anonymity already granted this was not entirely sufficient to

protect her XXX. Mr Buchanan, Counsel on behalf of Dr Masood, confirmed that Dr Masood did not object to the application.

11. The Tribunal granted Dr Masood’s application, made pursuant to Rule 34(1) of the Rules, for the admission of a further document. This document contained a number of WhatsApp messages that had not been included in the hearing bundles. The Tribunal determined that the document was relevant to the issues to be determined by the Tribunal and that it would be fair to admit this.

12. On 6 March 2023 the Tribunal raised two typographical amendments to the Allegation with the parties. The amendments agreed are set out at paragraphs 3 and 31(d) of the Allegation, as set out below, and were made in accordance with Rule 17(6) of the Rules.

The Allegation and the Doctor’s Response

13. The Allegation made against Dr Masood is as follows:

That being registered under the Medical Act 1983 (as amended):

1. On one or more occasion between around XXX and XXX, whilst on the telephone to Ms A you abused her emotionally, in that you made one or more of the comments as set out in Schedule 1, or words to that effect.

To be determined

2. On a date around XXX you provided Ms A with a prescription for XXX, which you told her would XXX, or words to that effect, which was untrue.

To be determined

3. You knew that the information you gave to Ms A ~~at~~ as set out at paragraph 2 was untrue, in that XXX is used to XXX and would not XXX.

Amended under Rule 17(6)

To be determined

4. Your actions as described at paragraph 2 were dishonest by reason of paragraph 3.

To be determined

5. During a visit to XXX in or around XXX you:

a. forced Ms A to take XXX;

To be determined

b. on one or more occasion at the location set out in Schedule 2, abused Ms A:

i. sexually, in that you:

1. continued to have sexual intercourse with her, telling her it was your will, or words to that effect despite the fact that she had:

i. asked you to stop;

To be determined

ii. told you she was not in the mood for it and did not want to have sexual intercourse, or words to that effect;

To be determined

iii. tried to physically stop you;

To be determined

2. inserted your thumb and/or finger(s) into her:

1. anus;

To be determined

2. vagina;

To be determined

ii. physically, in that you:

1. grabbed her arm XXX and said “we will talk about this now”, or words to that effect, referencing XXX;

To be determined

2. cupped your hand around her chin and asked her why she was not talking to you, or words to that effect;

To be determined

3. slapped her face;

To be determined

4. pushed her backwards XXX;

To be determined

- iii. emotionally, in that you:
 - 1. told her that her job was worth nothing in your eyes;
To be determined
 - 2. XXX;
To be determined
 - 3. told her that you could do whatever you wanted and if she XXX;
To be determined
 - 4. said the words set out in Schedule 3 to her;
To be determinedor words to that effect;
 - c. XXX, abused Ms A sexually in that you tried to insert your fingers into her vagina and then wanted her to lick your fingers, despite the fact she tried to push you off her and closed her mouth.
To be determined
6. On a date between around XXX and XXX, you abused Ms A:
- a. emotionally, in that you:
 - i. accused her of XXX;
To be determined
 - ii. demanded XXX;
To be determined
 - iii. shouted at her aggressively;
To be determined
 - b. physically, in that after XXX, you slapped her across the face.
To be determined
7. On or around XXX you abused Ms A:
- a. sexually, in that you had sexual intercourse with her and failed to stop when she asked you to;
To be determined
 - b. physically, in that you:

- i. grabbed her arms;
To be determined
 - ii. wrapped her scarf around her neck and tugged on it;
To be determined
 - iii. held her mouth, telling her not to say a word, or words to that effect.
To be determined
- 8. On a date after XXX, you abused Ms A emotionally in that you:
 - a. checked her:
 - i. mobile phone;
To be determined
 - ii. social media;
To be determined
 - b. told her that she was not beautiful and that she was XXX, or words to that effect;
To be determined
 - c. called her XXX one or more offensive names, including one or more of the names set out in Schedule 4;
To be determined
 - d. XXX;
To be determined
 - e. made one or more offensive comments to her, including one or more of the comments set out in Schedule 5.
To be determined
- 9. Between around XXX and XXX, you abused Ms A:
 - a. sexually, in that on one or more occasion, and despite her trying to stop you, you:
 - i. opened the door XXX;
To be determined
 - ii. bit her body;

To be determined

iii. inserted your fingers into her vagina;

To be determined

b. emotionally, in that you:

i. told her that if XXX, you would take the action set out in Schedule 6;

To be determined

ii. XXX;

To be determined

or words to that effect.

10. On or around XXX you abused Ms A physically, in that you threw XXX at her XXX.

To be determined

11. On or around XXX you abused Ms A physically, in that you:

a. pushed her XXX;

To be determined

b. twisted her arm;

To be determined

c. grabbed her throat and squeezed it;

To be determined

d. slapped her face.

To be determined

12. Between around XXX and XXX you abused Ms A emotionally, in that you snatched a bag out of her hands and threw it across the floor whilst shouting at her.

To be determined

13. On or around XXX, you abused Ms A emotionally in that you shouted at her XXX and said that she was illiterate, or words to that effect.

To be determined

14. On or around XXX, when Ms A asked you XXX, you abused her emotionally in that you told her that she:

a. did not know anything;
To be determined

b. was illiterate;
To be determined

c. XXX;
To be determined

or words to that effect.

15. In or around XXX you abused Ms A sexually, in that you forced her to perform oral sex on you.

To be determined

16. On or around XXX you abused Ms A physically, in that you:

a. grabbed her arm;
To be determined

b. dug your fingernails into her arm;
To be determined

c. dragged her out of a shop;
To be determined

d. threw her into the car.
To be determined

17. In or around XXX, you abused Ms A sexually in that you told her you were in the mood for doing something and when she said she did not want to do anything, or words to that effect, you:

a. removed her clothes;
To be determined

b. got on top of her;
To be determined

c. put lotion on her vagina and buttocks area;
To be determined

d. inserted your fingers into her vagina;
To be determined

e. tried to insert your fingers into her mouth, despite the fact that she tried to stop you and closed her mouth;

To be determined

f. put your fingers into her vagina and anus, despite the fact that she tried to push you away.

To be determined

18. On or around XXX when Ms A asked you about pictures and chat she had seen XXX, you abused her sexually, in that you:

a. pushed her legs;

To be determined

b. got on top of her;

To be determined

c. forced your penis into her mouth, despite the fact she tried to push you away and closed her lips tightly to stop you;

To be determined

d. held your penis and touched it to her lips whilst laughing and saying you would do it again, or words to that effect.

To be determined

19. On or around XXX whilst Ms A XXX, you abused her emotionally in that you shouted and swore at her, asking her what she was doing XXX, or words to that effect.

To be determined

20. On or around XXX you abused Ms A physically, in that you XXX dragged her onto the floor in front of the individuals set out in Schedule 7.

To be determined

21. On or around XXX you abused Ms A:

a. emotionally, in that:

i. whilst she was stood by your car XXX you started to shout at her, making one or more of the comments set out in Schedule 8;

To be determined

ii. you made the comments set out in Schedule 9;

To be determined

or words to that effect;

b. physically, in that you opened the car door onto her face, near her right ear.

To be determined

22. On or around XXX, you abused Ms A emotionally in that XXX you said “get out of the room bastard and shut the door”, or words to that effect.

To be determined

23. On or around XXX after Ms A asked you if everything was okay XXX, you started to shout at her and then you abused her physically, in that you:

a. twisted her arm;

To be determined

b. tried to punch her.

To be determined

24. In or around XXX, Ms A told you she was feeling tired and you abused her sexually in that you:

a. inserted your finger into her vagina;

To be determined

b. said “now I am going to do sex with you”, or words to that effect, when she tried to push you away to make you stop;

To be determined

c. refused to stop and inserted your fingers into her:

i. vagina;

To be determined

ii. anus;

To be determined

d. forced her to have sexual intercourse.

To be determined

25. On a date in XXX Ms A told you to XXX, and you abused her:

a. emotionally, in that you:

i. told her you did not like her and would not sleep with her again, or words to that effect;

To be determined

ii. XXX, asking her if she had told anyone about your behaviour, or words to that effect;

To be determined

b. physically, in that you:

i. pushed her out of the room;

To be determined

ii. twisted her arm;

To be determined

iii. slapped her face;

To be determined

iv. put your hands around her neck;

To be determined

v. pulled her scarf around her neck;

To be determined

vi. put your hand over her mouth;

To be determined

vii. dragged her XXX.

To be determined

26. On or around XXX, when Ms A asked you why you had been aggressive with her XXX, you abused her physically in that you:

a. threw one or more items at her, including those set out in Schedule 10;

To be determined

b. grabbed her by the neck;

To be determined

c. pulled and twisted XXX around her neck;

To be determined

d. pushed her onto the floor;

To be determined

e. kicked her in the back;
To be determined

f. tried to throw a chair at her.
To be determined

27. On or around XXX, you abused Ms A physically in that when she asked you about XXX you:

Amended under Rule 17(6)

a. slapped her across the face;
To be determined

b. grabbed her, dragging her XXX when she tried to run out;
To be determined

c. snatched the phone from her hand XXX when she tried to call XXX.
To be determined

28. On or around XXX, after driving her to a rural area, you abused Ms A:

a. physically, in that you held her throat tightly;
To be determined

b. emotionally, in that you said you would kill her, or words to that effect.
To be determined

29. On or around XXX, you abused Ms A physically in that XXX after she had sent you messages saying XXX, you slapped her on the back.

To be determined

30. On or around XXX, XXX you shouted at Ms A and you abused her physically in that you tried to slap her.

To be determined

31. In or around XXX you abused Ms A sexually, in that you started to remove her clothes and she told you she was not in the mood and feeling weak. Despite this and her trying to stop you, you:

a. took off her clothes;
To be determined

b. started kissing her body very hard;
To be determined

c. kissed her vaginal area;
To be determined

d. said “today you have to suck my penis”, or words to that effect;
Amended under Rule 17(6)
To be determined

e. inserted your penis into her vagina;
To be determined

f. put your thumb and one finger up her anus.
To be determined

32. On or around XXX after Ms A raised the matter set out in Schedule 11, or words to that effect, you abused her physically in that you:

a. slapped Ms A on her back;
To be determined

b. twisted Ms A’s arms;
To be determined

c. pushed Ms A XXX;
To be determined

d. held Ms A down XXX;
To be determined

e. shouted at Ms A;
To be determined

f. put your hand over Ms A’s mouth, squeezing her cheeks.
To be determined

33. On or around XXX you abused Ms A:

a. physically, in that you:

i. pushed her against the wall;
To be determined

ii. grabbed her arms;
To be determined

iii. put a scarf around her neck in an attempt to suffocate her;

To be determined

iv. put your hand over her mouth;

To be determined

v. put your fingers into her mouth and pulled onto the side of her cheek;

To be determined

vi. pulled the chain she was wearing around her neck;

To be determined

vii. headbutted her on one or more occasion;

To be determined

viii. pinched her nipples;

To be determined

ix. bit her nipples;

To be determined

b. sexually, in that you:

i. XXX and started to:

1. bite her body;

To be determined

2. put your fingers into her vagina;

To be determined

ii. told her that you wanted to have sex with her and when she told you she didn't want to as she was tired and tried to stop you, you:

1. said that she had to do it, or words to that effect;

To be determined

2. XXX;

To be determined

3. took off her clothes;

To be determined

4. put lotion around her genitals;

To be determined

5. tried to open her legs;
To be determined

6. inserted your finger into her vagina;
To be determined

7. inserted your penis into her vagina and had sexual
intercourse with her.
To be determined

34. On or around XXX, after an argument, you abused Ms A:

a. emotionally, in that you drove to your workplace where you locked her
in the car and left her for around three hours;
To be determined

b. physically, in that you grabbed her by her neck.
To be determined

35. On a date between around XXX and XXX you gave Ms A XXX from XXX which
had been prescribed to Mr E.
To be determined

36. On or around XXX, XXX, you abused Ms A physically in that you put your hands
around her neck.
To be determined

37. On or around XXX you asked Ms A for her phone and when you saw she had
taken pictures of injuries she had sustained, you abused her:

a. emotionally, in that you XXX and told her that XXX if she did not tell the
truth;
To be determined

b. physically, in that you:

i. beat her;
To be determined

ii. slapped and punched her XXX.
To be determined

38. On or around XXX you said that Ms A was accusing you (XXX), or words to that
effect, and you abused her:

- a. physically in that you:
 - i. slapped her very hard on the back;
To be determined
 - ii. dragged her XXX to another room;
To be determined
 - iii. pushed her to the wall;
To be determined
 - iv. hit your head on hers;
To be determined
 - v. grabbed her neck;
To be determined
 - vi. put your fingers on each side of her mouth and stretched her mouth outwards;
To be determined
- b. emotionally, in that you locked her in the car for several hours whilst at your workplace.
To be determined

39. On or around XXX, XXX you abused Ms A:

- a. physically in that you:
 - i. threw cold water over her;
To be determined
 - ii. slapped her face;
To be determined
 - iii. punched her face;
To be determined
 - iv. bit her cheek;
To be determined
 - v. pulled her head/hair;
To be determined
 - vi. dragged her on the floor;

To be determined

vii. headbutted her;

To be determined

viii. threw her XXX;

To be determined

ix. bit her all over her body;

To be determined

b. sexually, in that you:

i. removed her clothes on one or more occasion;

To be determined

ii. had sexual intercourse with her against her will on one or more occasion;

To be determined

iii. attempted to put your fingers in her vagina and anus when she asked you not to.

To be determined

40. On or around XXX, you told her you wanted to have sex with her, or words to that effect, and when she said she did not want to, you abused her sexually in that you:

a. forced her to suck your penis;

To be determined

b. had sexual intercourse with her.

To be determined

41. Your actions as described at paragraph(s) 5bi1, 5bi2, 5c, 7a, 9a, 15, 17, 18, 24, 31, 33b, 39b and 40 were:

Amended under Rule 17(6)

a. sexually motivated;

To be determined

b. carried out without Ms A's consent.

To be determined

42. On a date between around 18 March 2019 and 10 June 2020 you instructed a lawyer to write to Dr F to include the terms set out in Schedule 13, which was designed to interfere with the GMC fitness to practise process by stopping Dr F from providing information in support of the concerns raised by Ms A against you.

To be determined

43. On 16 December 2019 at Paisley Sherriff’s Court, following an incident when you emotionally abused Ms A on or around 8 October ~~2019~~ 2017, you were made the subject of an order for absolute discharge in respect of an offence under S38(1) of the Criminal Justice and Licensing (Scotland) Act 2010 – (XXX).

Amended under Rule 17(6)

To be determined

And that by reason of the matters set out above your fitness to practise is impaired because of your Misconduct.

To be determined

Witness Evidence

14. The Tribunal received evidence on behalf of the GMC from Ms A, who gave oral evidence on 20 to 22, 27 and 28 February, and 1 March 2023. Her witness statement was dated 13 November 2021.

15. Dr Masood provided his own witness statement dated 7 November 2022 and also gave oral evidence at the hearing on 1 and 2 March 2023. In addition, the Tribunal received written and oral evidence from the following witnesses on Dr Masood’s behalf:

- Mr B, a friend of Dr Masood. His witness statement was dated 4 November 2022;
- Mr H, a friend of Dr Masood. He provided a testimonial dated 11 April 2019;
- Mr I, a friend of Dr Masood. His witness statement was dated 5 October 2022;
- Mrs J, XXX. Her witness statement was dated 5 October 2022;
- Mrs K, XXX. Her witness statement was dated 12 October 2022.

16. The Tribunal also received evidence on behalf of Dr Masood in the form of written witness statements from the following witnesses who were not called to give oral evidence:

- Mr L, XXX. His witness statement was dated 12 October 2022;
- Dr M, a GP and friend of Dr Masood. His witness statement was dated 7 October 2022;

- Dr N, a GP and friend of Dr Masood. His witness statement was dated 27 September 2022.

17. The Tribunal were also presented with a draft witness statement of a Dr O together with a number of accompanying emails from August 2022 which related to the creation of the statement and were between the witness and Dr Masood’s solicitor. Whilst appearing to, at first, be willing to provide evidence in support of Dr Masood, Dr O indicated that she was no longer prepared to engage with the process. In an email dated 25 August 2022, Dr O stated that she had realised the document was a “*proper legal document*” and that this was a “*red line*” for her. Dr O stated that she did not want any official legal involvement and would not respond to the solicitor in future.

Expert Witness Evidence

18. An expert report dated 28 October 2022 was produced by Mr P, Oral and Maxillofacial Surgeon on behalf of Dr Masood. Mr P also gave oral evidence at the hearing on 3 March 2023. Mr P’s evidence was to assist the Tribunal in understanding the injuries sustained in respect of the alleged incident as set out at paragraph 39 of the Allegation. In particular, Mr P was asked to address whether there was evidence that the diagnosis made by a Dr F, of Temporomandibular Joint (TMJ) dislocation, could have been correct.

Documentary Evidence

19. The Tribunal had regard to the documentary evidence provided by the parties. This evidence included, but was not limited to, the following:

- Ms A’s referral to the GMC dated 24/25 September 2018;
- Ms A’s written statement to Police Scotland from August 2018;
- Ms A’s XXX written statement, dated 7 August 2018;
- Ms A’s police interview transcript dated 23 August 2018;
- WhatsApp messages between Dr Masood and Ms A, XXX;
- XXX;
- Various screenshots from Facebook;
- Email correspondence between Ms A and the GMC;
- XXX;
- XXX;
- XXX;

- Written note from the doctor who examined Ms A XXX
- WhatsApp messages between Ms A and Dr Masood XXX;
- Extract Conviction Report from Paisley Sheriff Court dated 16 December 2019 and correspondence from the Crown Office and Procurator Fiscal Service dated 24 December 2019.

20. The Tribunal heard an audio recording of a conversation between Ms A and Dr Masood from XXX, and a video recording of Ms A on XXX.

The Tribunal's Approach

21. The Legally Qualified Chair (LQC) gave legal advice to the Tribunal. In reaching its decision on facts, the Tribunal has borne in mind that the burden of proof rests on the GMC and it is for the GMC to prove the Allegation. Dr Masood does not need to prove anything. The standard of proof is that applicable to civil proceedings, namely the balance of probabilities, i.e. whether it is more likely than not that the events occurred.

22. The LQC stated that, where there were inconsistencies in the evidence of any of the witnesses, the Tribunal would use its own judgement to assess the credibility and reliability of the evidence. The LQC reminded the Tribunal that when assessing credibility it was not just a question of witness demeanour or questions of plausibility and honesty. She reminded the Tribunal that it was not a memory test and it was not uncommon to find that people had different recollections of the same events - even without the passage of time - and it did not necessarily follow that a witness was not credible or that they were not telling the truth. The LQC reminded the Tribunal that, where there was inconsistency between accounts given this did not, by necessity, lead to a finding of lack of credibility if the core of the account remained the same.

23. The LQC reminded the Tribunal that it must have regard to all the circumstances of the case, including those in which evidence was obtained, the Tribunal should have regard to any time delay in this case and whether that may have affected recollection.

24. The LQC reminded the Tribunal of the care that should be taken when considering allegations of emotional, physical and sexual abuse, especially where there may be a lack of documentary or corroborative evidence to assist the Tribunal in its decision making process. The LQC referred to the fact that guidance was provided for decision makers, in particular in respect of the dangers of reaching decisions on credibility based predominantly on the

demeanour of the witness. The LQC stated that the Tribunal should remind itself that it was now well established that the way in which someone behaves or presents themselves when giving evidence was not a reliable indicator of whether what they said was the truth and could be relied upon. The LQC stated that, although it was a factor for consideration, it was merely part of looking at all of the evidence in the round before reaching a conclusion.

25. The LQC referred the Tribunal to the case of *Suddock v The Nursing and Midwifery Council* [2015] EWHC 3612 (Admin), in that:

“Whilst demeanour is not an irrelevant factor for a court or tribunal to take into account, the way in which the witness's evidence fits with any non-contentious evidence or agreed facts, and with contemporaneous documents, and the inherent probabilities and improbabilities of his or her account of events, as well as consistencies and inconsistencies (both internally, and with the evidence of others) are likely to be far more reliable indicators of where the truth lies. The decision-maker should therefore test the evidence against those yardsticks so far as is possible, before adding demeanour into the equation.”

26. The LQC stated that a Tribunal was entitled to draw inferences from what it has heard but it must not speculate on what other evidence may have been available or what other witnesses may have been called.

27. The LQC referred to the case of *Ivey v Genting Casinos (t/a Crockfords)* [2017] UKSC 67, in respect of the test for dishonesty, as follows:

“When dishonesty is in question the fact-finding Tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held.

When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”

The Tribunal's Analysis of the Evidence and Findings

28. The Tribunal has considered each paragraph of the Allegation separately and has evaluated the evidence in order to make its findings on the facts.

29. XXX. The Tribunal is, XXX mindful of the need to exercise caution when judging the account of each party. Both Dr Masood and Ms A had their own account of what the 'true' situation was and there was little corroborative evidence to support either account. The Tribunal noted that of those witnesses called on behalf of Dr Masood, none was able to speak to the emotional, physical or sexual abuse that was alleged because no one else was present when the alleged events took place. Witnesses that perhaps could have assisted the Tribunal were not called and the Tribunal was not told of any reason for their absence. However, the Tribunal is aware that it must not speculate as to what evidence it might have heard.

30. In considering the evidence of Ms A and Dr Masood the Tribunal makes the following observations. Although Ms A's account has grown somewhat since she first gave her account of events in 2017, she was generally consistent with her account of events in evidence but was unwilling to make any concessions when faced with documentary evidence that challenged her account. An example of this is when she was presented with messages that were said to be from her, she chose to dispute their authenticity and instead gave long answers that took the focus off the questions being asked.

31. Whilst Dr Masood was prepared to make concessions in the face of documentary evidence, which was contrary to his account, he was reluctant to expand on his evidence preferring instead to just give a blanket denial. During cross examination, he also for the first time, introduced an entirely new explanation to account for bruising sustained by Ms A XXX which was not put to Ms A in cross examination.

32. Whilst making these observations, the Tribunal wished to reiterate that, throughout its decision making process, it has had regard to the Crown Court Compendium and the submissions of Mr Moran in respect of allegations of sexual XXX abuse. The Tribunal was also mindful of the circumstances in which a person may delay in bringing matters of this nature to light and that there may be inconsistencies in the manner in which they are recounted.

Paragraph 1

33. The Tribunal considered whether, on one or more occasion between around XXX and XXX, whilst on the telephone to Ms A Dr Masood abused her emotionally, in that he made one or more of the comments as set out in Schedule 1, or words to that effect.

34. XXX. It was Ms A's evidence that, during this time, Dr Masood emotionally abused her on the telephone and by WhatsApp messages. XXX Dr Masood denies the allegations XXX.

35. The Tribunal had not been provided with any documentary evidence of WhatsApp exchanges that demonstrated the use of the words set out in Schedule 1. It had however been presented with a transcript of a number of WhatsApp exchanges between Ms A and Dr Masood from XXX. Whilst the Tribunal was provided with WhatsApp messages from a later date than that to which this paragraph of the Allegation relates which did show XXX use of some of the words set out in Schedule 1, the exchanges that related to XXX to XXX did not contain any of the alleged words, nor give any indication of Ms A being subjected to emotional abuse.

36. Whilst the Tribunal accepted that XXX, the Tribunal was not satisfied that the GMC had discharged the burden upon it to the required standard, to show that it was more likely than not that Dr Masood emotionally abused Ms A in the manner set out in the Allegation. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 2

37. The Tribunal considered whether, on a date around XXX, Dr Masood provided Ms A with a prescription for XXX, which he told her would XXX, or words to that effect, which was untrue.

38. It was not disputed that XXX. The exchange of messages between her and Dr Masood at that time clearly demonstrated this. What was disputed is that Dr Masood deceived Ms A into taking medication that would XXX rather than XXX, which she alleges was what he had told her. Although Ms A always maintained that Dr Masood misled her XXX, the documentary evidence before the Tribunal did not support her account. XXX

39. It is clear from this exchange that Ms A had already discussed XXX with Dr Masood and that he had spoken to Dr O. There was also reference to doubt and asking for medication for XXX. The exchange also included a telephone number so that Ms A could speak to Dr O.

40. The transcript then continued with a copy of the exchange between Ms A and Dr O:

“[XXX]”

41. In cross examination Ms A disputed the authenticity of these documents and suggested that they had either been edited or fabricated. On cross examination by Mr Moran Dr Masood denied that they were anything but genuine and no further evidence was produced to the contrary.

42. The Tribunal has also had sight of the message exchange between Dr Masood and Dr O dated XXX which was consistent with Dr Masood’s evidence of his contact with her.

43. XXX

44. XXX

45. Although there were inconsistencies in Ms A’s different accounts of this matter, she had maintained her position throughout. However, Ms A’s evidence in her witness statement, that she did not know who Dr Masood’s friend was, was inconsistent with her oral evidence that she had contacted Dr O XXX to let Dr O know what she thought of Dr Masood and to tell Dr O what she had experienced XXX.

46. When reaching its decision, the Tribunal had regard to all the evidence above, as well as the evidence that XXX. The Tribunal also had regard to the draft witness statement of Dr O and the fact that she was not prepared to sign the statement or come to give evidence on behalf of Dr Masood. The Tribunal did not place weight on this statement, nor draw inference from her unwillingness to give evidence in these proceedings. This was because the Tribunal was able to rely on the documentary evidence before it which was largely inconsistent with Ms A’s account.

47. The Tribunal was not satisfied to the standard required that Dr Masood provided Ms A with a prescription for XXX or that he told her it would XXX. The Tribunal was of the view that the email and prescription were inconsistent with the other documentary evidence before the Tribunal.

48. In conclusion the Tribunal was not satisfied that the GMC had discharged the burden upon it to the required standard, to show that it was more likely than not that Dr Masood

carried out the actions set out in this paragraph of the Allegation. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 3

49. The Tribunal considered whether Dr Masood knew that the information he gave to Ms A as set out at paragraph 2 was untrue, in that XXX is used to XXX and would not XXX.

50. The Tribunal has found paragraph 2 of the Allegation not proved - there is no finding that Dr Masood gave the information to Ms A as set out at paragraph 2. As a result, the Tribunal found paragraph 3 of the Allegation not proved.

Paragraph 4

51. The Tribunal considered whether Dr Masood's actions as described at paragraph 2 of the Allegation were dishonest by reason of paragraph 3.

52. The Tribunal has found paragraphs 2 and 3 of the Allegation not proved. As a result, the Tribunal found paragraph 4 of the Allegation not proved.

Paragraph 5

53. This paragraph of the Allegation is subdivided into a number of allegations that relate to the period of time in or around XXX.

54. The Tribunal took account of Dr Masood's witness statement dated 7 November 2022:

"This is denied. I never asked Ms A to [XXX] at any time. I have never behaved towards anyone in the way described in this allegation. [XXX] I cannot recall whether Ms A and I had sexual relations that weekend but if we did, it was consensual and nothing of the sort described in this allegation took place."

Paragraph 5(a)

55. The Tribunal considered whether, XXX in or around XXX, Dr Masood forced Ms A to take XXX.

56. XXX In submissions Mr Moran confirmed that it was not suggested that Dr Masood physically forced Ms A but rather that he exercised controlling behaviour to do so. Dr Masood denied the allegation and further challenged Ms A's evidence that XXX. This information was not evidence that Dr Masood did not force Ms A to take the alleged medication, however the Tribunal was not taken to any documentary evidence of the XXX medication that was either prescribed or bought by Ms A. Ms A explained this by telling the Tribunal that she had not been asked to provide evidence. Ms A was unable to provide further information about the medication during cross examination other than the fact that Dr Masood watched her while she XXX but on re-examination was able to expand further. She explained that Dr Masood had called her the day before XXX to tell her to XXX.

57. The burden of proving each paragraph of the Allegation rests with the GMC. The Tribunal reminded itself throughout that the standard required is, that it is more likely than not that the alleged action took place. The Tribunal find that the allegation of Ms A was little more than a bare assertion which was not supported by her explanation of the manner in which she took the alleged medication. The Tribunal find that the GMC had failed to discharge the burden to show that it was more likely than not that Dr Masood forced Ms A XXX during the time. The Tribunal found paragraph found paragraph 5(a) not proved.

Paragraph 5(b)(i)(1)

58. The remainder of sub-paragraphs of paragraph 5 are spilt into allegations of sexual, physical and emotional abuse. Given the nature of these allegations, the circumstances in which they arose and the evidence relied upon, the Tribunal once again reminded itself of guidance in the Crown Court Compendium and the standard required to discharge the burden on the GMC.

59. The Tribunal accepted that Ms A had consistently recounted her version of events since she first recorded them in the summer of 2018. These events had been recounted on a number of occasions, most recently when Ms A produced her GMC witness statement dated 13 November 2021. Ms A told the Tribunal that she had met on 7-8 occasions with those who prepared the statement on her behalf and that each appointment lasted between two and two and a half hours. During these appointments Ms A was encouraged through questioning to add to her account. There were some inconsistencies within the versions she has given, and the Tribunal accepted that this did not necessarily mean that the accounts were untrue. It was now widely accepted that a version of events may vary each time the account is revisited and it did not necessarily mean that the person was not telling the truth. Similarly, it

was also widely accepted that recounting a word perfect version in rote fashion did not mean that the account was true. Many of the following paragraphs were alleged not to have been witnessed by others, and it was a case of Ms A’s word against that of Dr Masood. It was however for the GMC to prove its case. The Tribunal was not required to make a finding that something ‘could’ have happened. The standard required was that it was more likely than not that it ‘did’ happen. When dealing with allegations such as these it was imperative that the Tribunal approached its task by looking at all the evidence in the round and establishing whether there was contemporaneous or documentary evidence that supported the alleged acts. The Tribunal reminded itself that, in addition to the oral and written accounts of Ms A and Dr Masood, the evidence of other witnesses must also be evaluated to establish the reliability of each account.

60. The GMC has not defined the different types of abuse brought through the Allegation and the Tribunal has applied the ordinary meaning to each when making its finding of fact. In respect of emotional abuse, the Tribunal considered that this was verbal or non-verbal words or actions that had the effect of undermining or eroding the confidence and self-worth of the intended recipient. The Tribunal considered that physical and sexual abuse meant unwanted and unwelcome actions of either a physical or sexual nature.

61. The Tribunal considered whether, XXX, Dr Masood, on one or more occasion at the location set out in Schedule 2, abused Ms A sexually in that he: continued to have sexual intercourse with her, telling her XXX, or words to that effect, despite the fact that she had: asked him to stop; told him she was not in the mood for it and did not want to have sexual intercourse, or words to that effect; and/or tried to physically stop him.

62. The Tribunal noted that both Ms A and Dr Masood accepted that consensual sex took place during this time. Dr Masood denied that non-consensual sex took place at all and, in cross examination, told the Tribunal that he did not remember an occasion when Ms A had not wanted to have sex. XXX

63. It was Ms A’s evidence of 13 November 2021 that:

“[XXX]”

64. XXX

65. XXX

66. XXX. Whilst Ms A’s account of the events described in paragraph 5(b)(i)(1)(i) to (iii) could have happened, there was no evidence to support Ms A’s account that it was more likely than not that it did happen. The Tribunal concluded that the GMC had not discharged the burden in respect of paragraph 5(b)(i)(1) of the Allegation. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 5(b)(i)(2)

67. The Tribunal considered whether, during a visit to XXX in or around XXX, Dr Masood, on one or more occasion at the location set out in Schedule 2, abused Ms A sexually in that he: inserted his thumb and/or finger(s) into her anus and/or vagina.

68. Dr Masood denied this paragraph of the Allegation.

69. XXX

70. XXX

71. For the reasons set out above in respect of paragraph 5(b)(i)(1) of the Allegation, the Tribunal found that, although sexual activity of this nature ‘could’ have happened XXX, there was no evidence to support Ms A’s account that it was more likely than not that it did happen in the manner described by her. The Tribunal concluded that the GMC had not discharged the burden in respect of paragraph 5(b)(i)(2) of the Allegation. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 5(b)(ii)

72. The Tribunal considered whether, during a visit to XXX in or around XXX, Dr Masood, on one or more occasion at the location set out in Schedule 2, abused Ms A physically in that he:

1. grabbed her arm XXX and said “*we will talk about this now*”, or words to that effect, referencing XXX;
2. cupped his hand around her chin and asked her why she was not talking to him, or words to that effect;
3. slapped her face;
4. pushed her backwards XXX.

73. XXX

74. XXX

75. XXX Whilst there was evidence that, at some time later in the relationship, Ms A did suffer bruising as a result of alleged physical abuse, there was no evidence that XXX and there was nothing to suggest that the alleged abuse was more likely than not to have happened.

76. The Tribunal determined that the GMC had failed to discharge the burden placed upon it to show that, on the balance of probabilities, it was more likely than not that the actions at 5(b)(ii) of the Allegation occurred. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 5(b)(iii)

77. The Tribunal considered whether, during a visit to XXX in or around XXX, Dr Masood, on one or more occasion at the location set out in Schedule 2, abused Ms A emotionally in that he: told her that her job was worth nothing in his eyes; XXX; told her that he could do whatever he wanted and if she was XXX; and/or said the words set out in Schedule 3 to her - or words to that effect.

78. In respect of paragraph 5(b)(iii)(1), the Tribunal noted that Dr Masood accepted that there had been a conversation in or around XXX where reference was made to Ms A's job.
XXX

79. The Tribunal also had regard to the WhatsApp messages between Dr Masood and Ms A XXX

80. The Tribunal noted the content of the messages, which took place one month later, and the terminology used by Dr Masood in respect of Ms A's job. Dr Masood did not deny that he had spoken of Ms A's job in negative terms. The text messages that were seen by the Tribunal clearly evidenced that Dr Masood was dismissive of Ms A's job. On the basis of the information before it, the Tribunal was satisfied that it was, on the balance of probabilities, more likely than not that Dr Masood demonstrated the same negative attitude towards Ms A's job during the time alleged and used words to the effect of her job being worthless. The Tribunal found that the words used would have had the effect of undermining the confidence or self-worth of Ms A and amounted to emotional abuse. Accordingly, the Tribunal found this paragraph of the Allegation proved.

81. In respect of paragraph 5(b)(iii)(2), the Tribunal found no evidence to support Ms A's account in this regard. XXX

82. The Tribunal concluded that the GMC had failed to discharge the burden to show, on the balance of probabilities, that XXX as at paragraph 5(b)(iii)(2) of the Allegation. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

83. The Tribunal had regard to the evidence of Dr Masood and Ms A. XXX

84. In respect of paragraph 5(b)(iii)(3), the Tribunal determined that the messages between Dr Masood and Ms A did not demonstrate or suggest that he was using XXX as a weapon of emotional abuse. This allegation was a bare assertion that was unsupported by any other evidence. It was for the GMC to discharge the burden to show that these words were, on the balance of probabilities, more likely than to have been said, and it had not. Accordingly, the Tribunal found paragraph 5(b)(iii)(3) of the Allegation not proved.

85. In respect of paragraph 5(b)(iii)(4), the Tribunal was not told as to the context of where these words set out Schedule 3 were said to Ms A or the circumstances in which they were alleged to have been said. The date, time, and place were all vague and there was no corroborative evidence to support Ms A's assertions.

86. The Tribunal determined that the GMC had failed to sufficiently demonstrate evidence in respect of this part of the Allegation, and had consequently failed to discharge the burden placed upon it to show that, on the balance of probabilities, it was more likely than not that these words were said. Accordingly, the Tribunal found paragraph 5(b)(iii)(4) of the Allegation not proved.

Paragraph 5(c)

87. The Tribunal considered whether, during a visit to XXX in or around XXX, Dr Masood, XXX, abused Ms A sexually in that he tried to insert his fingers into her vagina and then wanted her to lick his fingers, despite the fact she tried to push him off her and closed her mouth.

88. The Tribunal had the evidence of Ms A, including her statement to Police Scotland in August of 2018, and Dr Masood’s response. The alleged incident was not said to have been witnessed by anyone else.

89. XXX

90. XXX

91. XXX

92. XXX

93. There was some inconsistency in respect of the accounts given by Ms A but, as previously stated, this would not necessarily render her evidence wholly unreliable. However, references to this incident were absent from both the statement given to Police Scotland in August 2018 and in XXX. Ms A offered some explanation for the omissions stating that Police Scotland were only interested in events that had taken place in the UK and that she had been asked to provide only a few examples of serious assaults in XXX.

94. Accordingly, the Tribunal found paragraph 5(c) of the Allegation not proved.

Paragraph 6

95. The Tribunal considered whether, on a date between around XXX and XXX, Dr Masood abused Ms A:

- a. emotionally, in that he: accused her of XXX; demanded XXX; and/or shouted at her aggressively.
- b. physically, in that after he had XXX, he slapped her across the face.

96. It is unfortunate that it has not been possible to draft this paragraph of the Allegation in more certain terms given Ms A’s evidence of the particular facts and location of the alleged conduct of Dr Masood.

97. The Tribunal noted that, despite Ms A’s evidence that Police Scotland were only interested in recording matters that occurred in the UK, this incident was referred to in her statement to Police Scotland in August 2018 whereas the more serious matters of sexual

abuse were absent. It was mentioned again in Ms A’s statement XXX; again, despite the fact that Ms A’s evidence was that she should rely on just a few most serious complaints.

98. Her evidence to Police Scotland was:

“[XXX]”

and in the statement XXX dated 7 August 2018:

“[XXX]”

99. In Ms A’s witness statement dated 13 November 2021, she provided further detail about the alleged incident:

“[XXX]”

100. Dr Masood denied the allegation and, in his witness statement dated 7 November 2022, explained:

“This is denied. [XXX]”

101. The Tribunal had regard to evidence it had heard about both Ms A and Dr Masood XXX. In addition, the Tribunal confirm that all the evidence both oral and documentary was considered in the round. In particular it had regard to the audio recording dated XXX, in which Ms A expressed concern about XXX. The Tribunal was also taken to documents which evidenced a clear tension between the two XXX. The Tribunal accepted from the tenor of the exchange of messages that Dr Masood was losing patience with Ms A’s evasive answers to his questions XXX

However, the Tribunal noted that this message exchange post-dated the dates upon which the alleged conduct was said to have taken place and was the result of a period of frustration with Ms A’s conduct.

102. XXX

103. XXX

104. It was clear to the Tribunal that Ms A had not been entirely transparent with Dr Masood and that she was deliberately evading his enquiries of her in this respect. This in

turn led to tensions between Ms A and Dr Masood, as evidenced in the WhatsApp messages XXX.

105. Whilst the Tribunal found that there was some deterioration in the manner of communications between Ms A and Dr Masood, it was not satisfied, on the balance of probabilities, that there was sufficient evidence to support a finding that it was more likely than not that he had accused her of XXX as set out in paragraph 6(a)(i) of the Allegation.

106. In respect of the demand for XXX. This evidence was not disputed and there was evidence of this being reliable XXX. For this reason, the Tribunal found that Dr Masood had no reason to demand XXX. The Tribunal did not hear any detail of the circumstances in which it was alleged that XXX nor was it told of the words used that were said to be shouted at her aggressively. In respect of the remaining part of paragraph 6(a) of the allegation, the GMC has not provided sufficient evidence to discharge the burden of proof to show, on the balance of probabilities, that it is more likely than not that the alleged conduct took place. Accordingly, the Tribunal found paragraph 6(a)(i) to (iii) of the Allegation not proved.

107. In relation to paragraph 6(b) of the Allegation, the Tribunal noted that, whilst there was no reference to a slap across the face in Ms A's statement to Police Scotland, it was referred to in her statement XXX dated 7 August 2018. However, the fact that it was mentioned previously was not evidence of the truth of the statement. In respect of matters relating to paragraph 6 of the Allegation in its entirety, the Tribunal did not find that Ms A had given a consistent or adequate account and found the account of Dr Masood to be more persuasive. Other than the assertion of Ms A that Dr Masood slapped her, there was no evidence to support her complaint. The Tribunal find that there was insufficient evidence to make a finding that, on the balance of probabilities, it was more likely than not that Dr Masood slapped Ms A across the face on this occasion. The GMC has failed to discharge the burden of showing this and the Tribunal found paragraph 6(b) of the Allegation not proved.

Paragraph 7(a)

108. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A sexually, in that he had sexual intercourse with her and failed to stop when she asked him to.

109. In respect of this paragraph of the Allegation, Ms A relied on two previous statements, in addition to the statement prepared for these proceedings. The incidents referred to in her statement to Police Scotland, and in the statement XXX, referred to a non-

specific date between XXX and XXX. Each one appeared to relate to a separate occasion. The Tribunal had regard to the fact that Ms A may have been confused about dates at the time she gave her earlier statements. Although it was usually the case that memory was more reliable soon after an event, the Tribunal was mindful that stressful and traumatic situations could affect a person's ability to process information at those times. In opening the case, Mr Moran explained that this paragraph of the Allegation related to a time following Dr Masood's conversation with XXX, which was said to have occurred on or around XXX.

110. The Tribunal had regard to Ms A's account of this incident, as set out in her witness statement dated 13 November 2021:

"[XXX] He first [XXX], grabbed my arms, and wrapped my scarf around my neck and tugged on it. I was very scared. Dr Masood held my mouth and told me not to say a word. I was crying, and Dr Masood then started to have sexual intercourse with me. I asked him to stop, but he didn't."

111. Dr Masood denied the allegation and explained in his witness statement:

"This is denied. [XXX] Nothing untoward happened between Ms A and myself that day. [XXX] Again, I cannot recall whether Ms A and I had sexual relations on that date but if we did, it was consensual and nothing of the sort described in this allegation took place. I have never wrapped a scarf around anyone's neck and pulled on it."

112. XXX

113. XXX There were no witnesses to these allegations nor any photographs to evidence any injury following both the alleged sexual and physical attacks.

114. The Tribunal did not accept that the repetition of an account on more than one occasion, in circumstances such as these, could be sufficient to show that it was more likely than not that the alleged sexual abuse took place. Whilst the Tribunal accepted that conduct such as this was difficult to prove, in this case there was no supporting evidence of any kind. Nothing in the form of medical evidence of sexual abuse, which might potentially speak to either physical or psychological trauma, or hearsay evidence from a person in whom Ms A might have confided. Although Ms A gave evidence that she had confided in others, this was not supported by any evidence from any of the witnesses who appeared before the Tribunal.

115. In the circumstances, the Tribunal determined that there was insufficient evidence to show that, on the balance of probabilities, it was more likely than not that the matters

alleged took place. The GMC has failed to discharge the burden placed upon it in respect of paragraph 7(a) of the Allegation. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 7(b)

116. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A physically, in that he: grabbed her arms; wrapped her scarf around her neck and tugged on it; and/or held her mouth, telling her not to say a word, or words to that effect.

117. The Tribunal had regard to the evidence of Ms A and Dr Masood in respect of this matter. Whilst the Tribunal accepted that there might have been an inappropriate use of language developing in Dr Masood's communications with Ms A, there was no contemporaneous or corroborative evidence that Dr Masood had subjected Ms A to physical abuse or any account from XXX. For the reasons set out above, the Tribunal did not find that there was sufficient evidence to show that, on the balance of probabilities, it was more likely that not that Dr Masood physically abused Ms A in the manner set out at paragraph 7(b) of the Allegation. The GMC has failed to discharge the burden of proving the same to the required standard and consequently the Tribunal found this paragraph not proved.

Paragraph 8

118. The Tribunal considered whether on a date after XXX, Dr Masood abused Ms A emotionally in that he checked her mobile phone and social media.

119. The Tribunal had regard to Ms A's witness statement dated 13 November 2021:

"He would look at my mobile phone to see who I had spoken to and what websites I had been on, he would check who had liked my posts on social media. [XXX] If I posted anything on social media he would ask me why I was posting it. He would tell me that I was not beautiful [XXX]. This made me feel down, [XXX] if I said that a particular politician was good, he would ask why and then start verbal abuses [XXX] and called me [XXX] with humiliating degrading names ([XXX]). Dr Masood also accused me of [XXX]..."

120. The Tribunal took account of Dr Masood's witness statement dated 7 November 2022:

"This is denied. I did not restrict access to Ms A's phone, and I did not insist on accessing it to look at its contents. [XXX]."

Paragraph 8(a)

121. The Tribunal considered whether, on a date after XXX, Dr Masood abused Ms A emotionally in that he checked her: mobile phone and/or social media.

122. The Tribunal had regard to the extracts from the witness statements of Dr Masood and Ms A, as quoted above.

123. In terms of context, the Tribunal noted that, XXX. The Tribunal found that XXX Dr Masood would have access to Ms A's phone and social media accounts and that he was more likely than not to have accessed them from time to time.

124. The Tribunal found however that checking a person's phone and social media would not automatically amount to emotional abuse. There would need to be some negative purpose or effect of doing so, such as accessing the information to check up on Ms A or referencing her communications in a negative manner.

125. XXX The Tribunal noted Dr Masood's previous reactions to Ms A's use of Facebook XXX. Given the clear example of the way in which Dr Masood communicated with Ms A about her Facebook account and the tone in which he insisted on the course of action XXX, the Tribunal found that that it was more likely than not that he carried out the alleged behaviour just one month later.

126. The Tribunal was satisfied that Dr Masood did not just access Ms A's accounts out of idle interest, but rather it was with a view to monitoring and/or controlling her activity. In evidence, Ms A explained that she found Dr Masood's actions to be emotionally distressing. The Tribunal found that Dr Masood's actions would have the effect of undermining or eroding Ms A's confidence or feeling of self-worth and amounted to emotional abuse. Accordingly, the Tribunal found this paragraph of the Allegation proved.

Paragraph 8(b)

127. The Tribunal considered whether, on a date after XXX, Dr Masood abused Ms A emotionally in that he told her that she was not beautiful and that she was XXX, or words to that effect.

128. The Tribunal had regard to Ms A's evidence that Dr Masood had referred to her as not being beautiful and XXX. She also complained that he made other hurtful comments of a similar nature.

129. The Tribunal was not given any further information about the context in which these comments were alleged to have been said or the number of occasions this occurred. Not every unkind comment will amount to emotional abuse but clearly the adoption of a course of conduct in which such comments were made would be likely to. XXX. The Tribunal was not persuaded that these were conclusive evidence that he would never have told Ms A that she was not beautiful. However, it was not for Dr Masood to show that he did not say the alleged words but rather it was for the GMC to show, on the balance of probabilities, that he was more likely than not to have done so.

130. The Tribunal found that, although there was evidence of disagreements and inappropriate language used between Dr Masood and Ms A. there was no evidence of insults of the nature alleged other than in Ms A's statements.

131. The Tribunal determined that there was insufficient evidence to show that, on the balance of probabilities, it was more likely that not that Dr Masood used the words set out in paragraph 8(b) of the Allegation. The GMC has failed to discharge the burden of proving the same to the required standard and consequently the Tribunal found this paragraph not proved.

Paragraph 8(c)

132. The Tribunal considered whether, on a date after XXX, Dr Masood abused Ms A emotionally in that he called her XXX one or more offensive names, including one or more of the names set out in Schedule 4.

133. The Tribunal had regard to the evidence before it in relation to this paragraph. It noted that, in her statement XXX, Ms A recorded:

"The Respondent would verbally abuse me and call me degrading names such as, [XXX] and amongst other offensive names."

134. The Tribunal noted that, within Ms A's referral to the GMC, she said that Dr Masood had insulted her XXX. The Tribunal accepted that Ms A made reference at an early stage to

XXX being insulted but the Tribunal has not been told of the circumstances in which these words were communicated XXX.

135. During Ms A’s oral evidence, she once again told the Tribunal that she had WhatsApp messages to evidence the fact that Dr Masood used the words alleged but that the GMC had instructed her that she was not allowed to provide the same. It was for the GMC to decide the relevance of evidence it relied upon and, given that the Tribunal had already allowed the production of additional evidence during the hearing, it was open to the GMC to make an application in respect of any further documentary evidence it wished to produce.

136. Although there was no evidence of all of the words listed in Schedule 5 being used by Dr Masood, there was evidence in the WhatsApp messages exchanged between Ms A and Dr Masood that he called her a bitch on XXX.

137. The Tribunal determined that, on the balance of probabilities, it was more likely than not that Dr Masood called Ms A one of the offensive names set out in Schedule 4, namely “*bitch*”. The Tribunal found that the manner in which the word was used had the effect of undermining or eroding the confidence and self-worth of Ms A and amounted to emotional abuse as a result. Accordingly, the Tribunal found this paragraph of the Allegation proved.

Paragraph 8(d)

138. XXX

139. XXX

140. XXX

141. XXX

142. The Tribunal found that the GMC has failed to discharge the burden of proving the same to the required standard and consequently the Tribunal found this paragraph not proved.

Paragraph 8(e)

143. The Tribunal considered whether, on a date after XXX, Dr Masood abused Ms A emotionally in that he made one or more offensive comments to her, including one or more of the comments set out in Schedule 5.

144. The Tribunal had regard to the witness evidence of Ms A and noted that she had also raised these complaints both to Police Scotland and in her statement XXX. Dr Masood denied this paragraph of the Allegation and said he would never use such language. The Tribunal also heard from witnesses who expressed confidence that Dr Masood would not have spoken such words. The Tribunal however had regard to the fact that Dr Masood may not always have behaved in the same way in front of other people as he did in private, as was evidenced in the language and manner he used in message exchanges with Ms A.

145. The language set out in Schedule 5 however, was specific and, whilst the Tribunal had been taken to evidence of examples of inappropriate language, it was of a different nature to the language set out in Schedule 5. Further, the Tribunal was not given any detail of the circumstances in which these words were alleged to have been said.

146. In the circumstances, the Tribunal determined that there was insufficient evidence to conclude that, on the balance of probabilities, it was more likely than not that Dr Masood emotionally abused Ms A in the manner alleged in this paragraph. Whilst it was accepted above that Dr Masood had called Ms A a “*bitch*”, the GMC has failed to discharge the burden to the required standard in respect of paragraph 8(e) of the Allegation and the Tribunal found the same not proved.

Paragraph 9(a)

147. The Tribunal considered whether, between around XXX and XXX, Dr Masood abused Ms A sexually, in that on one or more occasion, and despite her trying to stop him, he: opened the door XXX; bit her body; and/or inserted his fingers into her vagina.

148. In her witness statement of 13 November 2021 Ms A stated:

“Whenever I [XXX], he would open the door and enter. He then starts biting on my body and nipples. He then put his fingers inside my vagina. I tried to stop him and told him what you are doing, it causing pain to me, [XXX]”

149. The Tribunal noted that Ms A raised this complaint in her police interview of 23 August 2018 in which she stated:

“[XXX] When I would [XXX] suddenly he would open the door and enter. He would come in and start to bite me on my body. Here on my breast on my nipples. And then he would put his hand inside my vagina. And then I would tell him “what are you doing it is causing me pain”. Sometimes he used to bite me so hard on my nipples that they would begin to bleed. [XXX]”.

150. XXX

151. Whether what was further alleged would amount to sexual abuse would depend upon consent XXX. As with the other allegations of sexual abuse, the Tribunal was not provided with any corroborative evidence as set out above.

152. The Tribunal had regard to the explanation given by Ms A as to why reference to this allegation was included in some statements she had given and not others. This was a question that had been asked of Ms A on a number of occasions in respect of different allegations. Her responses were either that she only answered the questions she was asked or that she had been told to limit the information she gave in respect of particular types of complaints. The Tribunal found that Ms A’s explanations were not consistent with the transcript of the police interview because it was clear on that occasion Ms A was providing more information than had been asked of her. The Tribunal have had regard to the way in which Ms A has answered questions before this Tribunal and noted that she often gave answers that she wanted to give as opposed to answering the questions put to her. Consequently, the Tribunal did not find that this explained the omissions that were highlighted by Mr Buchanan.

153. The Tribunal found that there was insufficient evidence to make a finding that, on the balance of probabilities, it was more likely than not that Dr Masood had sexually abused Ms A in the manner set out in paragraph 9(a) of the Allegation. The Tribunal found that the GMC has failed to discharge the burden on it to the required standard and the Tribunal found paragraph 9(a) not proved.

Paragraph 9(b)

154. The Tribunal considered whether, between around XXX and XXX, Dr Masood abused Ms A emotionally, in that he: told her that if XXX, he would take the action set out in Schedule 6; and/or XXX and told her to XXX - or words to that effect.

155. In his witness statement of 7 November 2022 Dr Masood stated:

“This is denied. [XXX]”

156. The Tribunal had regard to Ms A’s witness statement of 13 November 2021, in which she explained that she had spoken to XXX about the abuse she was subjected to because she did not have anyone else to speak to. XXX

157. The Tribunal noted that there were several allegations of Dr Masood behaving in this way and this paragraph of the Allegation covered a broad range of dates. Mr Moran referred the Tribunal to paragraph 77 of Ms A’s statement in respect of this paragraph of the Allegation, which referred to XXX. Given that the statement clearly reflected that the events said to have taken place prior to this meeting, it must be that this paragraph of the Allegation occurred prior to that date XXX.

158. The Tribunal was not taken to any other incident pre-XXX in which Ms A recounted that Dr Masood told her that XXX. The Tribunal had regard to all of the previous paragraphs of Ms A’s witness statement and there was no earlier mention of such a matter.

159. The Tribunal noted that there was a later altercation between Ms A and Dr Masood on XXX. However, this related to paragraph 43 of the Allegation rather than this instance referred to by Ms A in her witness statement.

160. Save for the incident relating to paragraph 43 of the Allegation, the Tribunal had not been taken to evidence of another occasion when this took place. In oral evidence, Ms A told the Tribunal that this was something Dr Masood would do a lot but the Tribunal was not given any specific detail of another occasion on which it was alleged this occurred. In submissions, Mr Buchanan asked the Tribunal to consider the fact that XXX had been present throughout the hearing but had not been called to give evidence. The Tribunal had regard to this submission but was of the view that it was not known what relevant evidence XXX may have been able to give and that it was a matter for the GMC to call such evidence as it considered appropriate. However, given the lack of detail surrounding this paragraph of the Allegation and the lack of supporting evidence of any similar conduct, the Tribunal was unable to find, on the balance of probabilities, that Dr Masood emotionally abused Ms A in the manner alleged in this paragraph.

161. In conclusion, the Tribunal determined that the GMC has failed to discharge the burden to show that, on the balance of probabilities, it was not more likely than not that the

matters alleged at paragraph 9(b) took place. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 10

162. The Tribunal considered whether, on or around 8 April 2017, Dr Masood abused Ms A physically, in that he threw XXX at her XXX.

163. The Tribunal noted that, in respect of this paragraph, Ms A first complained of the same in her statement to Police Scotland, the statement XXX, and the police interview. In her witness statement of 13 November 2021, Ms A gave a fuller account of the allegation:

“On [XXX] Dr Masood was physically violent towards me for the first time. [XXX] Dr Masood got angry with me and picked up [XXX] and threw it at me. I was able to move out of the way [XXX] so I was not injured [XXX].”

164. Ms A confirmed that, although XXX was thrown in her direction, it did not hit her as she stepped out of the way. She gave no further detail of what happened immediately following this but there was documentary evidence to show that XXX at some time after the alleged event. Ms A confirmed in her evidence that this was the first occasion on which Dr Masood had physically abused her.

165. XXX

166. Dr Masood denied the allegation and was unable to recall, in oral evidence, any detail of the alleged incident but did provide other detail of his activities that day. He provided emails that confirmed his shifts as a locum on XXX commencing at 10am and finishing at 4pm, and text exchanges before he left for work XXX. Dr Masood was also able to recall XXX.

167. As previously set out above, the fact that an account is recorded on more than one occasion shows neither the truth or untruth of an assertion. All accounts were made in excess of a year after the alleged events and Ms A would have had access to these statements when preparing her statement for these proceedings. Dr Masood was unable to recall the incident ever taking place although he accepted it was possible that XXX.

168. The Tribunal found that the account of Ms A about Dr Masood XXX was inconsistent with the documentary evidence XXX. The nature of the enquiry he was engaged in was with a view to assisting Ms A, which again was inconsistent with the alleged temper he was said to

have demonstrated XXX. Ms A accepted that XXX did not hit her and the Tribunal had not been told any other detail of the circumstances of XXX being allegedly thrown in her direction and putting her in fear of violence.

169. The Tribunal found not only that there was insufficient evidence to show that the physical abuse as alleged took place but, in addition, the documentary evidence before the Tribunal did not support the evidence she had given. The Tribunal had throughout been alert to the potential for Ms A's attendance at these proceedings to have an adverse effect on her ability to give evidence, however it was satisfied that this was not the case throughout the giving of her evidence.

170. The GMC has failed to discharge the burden to show that, on the balance of probabilities, it was more likely than not that Dr Masood physically abused Ms A as set out in paragraph 10 and accordingly the Tribunal find this paragraph not proved.

Paragraph 11

171. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A physically, in that he: pushed her XXX; twisted her arm; grabbed her throat and squeezed it; and/or slapped her face.

172. XXX

173. In her witness statement of 13 November 2021, Ms A described the incident as:

“On [XXX] Dr Masood [XXX] and started to verbally abuse me, [XXX]. He started verbal abuses and then pushed me [XXX] and twisted my arm. He grabbed my throat and squeezed it. He slapped me across on my face [XXX]”

174. The Tribunal had regard to the documentary evidence XXX

175. XXX

176. The Tribunal considered the context of this allegation. XXX

177. The statement prepared for the purposes of this hearing contained more detail of the alleged abuse than that contained in her statement to the police in August 2018, when her memory was likely to have been clearer. In particular, in the statement to the police there

was no reference to Dr Masood grabbing Ms A's throat or slapping her. When questioned about this in oral evidence, Ms A suggested that she had just included a few details to the police, and that she wanted to keep them limited, and wanted to be brief. The document referenced in Ms A's statement in respect of this paragraph of the Allegation ran to some 12 pages and 65 paragraphs of detailed evidence. In Ms A's oral evidence, she made no mention of Dr Masood slapping her face or of being grabbed by the throat. The Tribunal took account of the statements above and of the transcript of Ms A's police interview dated 23 August 2018. The Tribunal noted that there was also a transcript of a telephone interview with the police in which this incident was also reported but again no reference was made to Dr Masood grabbing her by the throat or slapping her.

178. The Tribunal found, on the basis of all the evidence it had heard, that it was possible that an argument may have taken place between Ms A and Dr Masood as the Tribunal had, during the course of the hearing, seen evidence that they were both argumentative. However, the Tribunal was not satisfied that Ms A had provided a reasonable explanation for the absence of reference to slapping and grabbing by the throat in the statements referred to above. Having considered all the evidence before it, the Tribunal found that Ms A was, on occasion, prone to embellish her accounts in order to bolster her allegations. Mr I did not support Ms A's evidence that Dr Masood had related the details of this event as alleged or at all, and the Tribunal was not satisfied that the evidence before it was sufficient to show that, on the balance of probabilities, Dr Masood was more likely than not to have carried out the alleged physical abuse.

179. Accordingly the Tribunal found paragraph 11(a) to (d) not proved.

Paragraph 12

180. The Tribunal considered whether, between around XXX and XXX, Dr Masood abused Ms A emotionally, in that he snatched a bag out of her hands and threw it across the floor whilst shouting at her.

181. In considering this paragraph of the Allegation, the Tribunal had regard to the written and oral evidence of Dr Masood.

182. In her statement prepared for this hearing, Ms A explained:

"[XXX] I was holding the bag and we were walking down the road. [XXX] I wanted to stop [XXX]. Dr Masood then started raising his voice at me. I felt very uncomfortable as

I thought people were looking at us. [XXX] He became more angry at me that why I am not replying to him and then Dr Masood snatched the [XXX] bag from me and threw it across the floor so everything fell out. This made me feel even more uncomfortable as everyone was looking at us. I became very tearful because Dr Masood was shouting at me [XXX]"

183. This account was considerably more detailed than the accounts given to Police Scotland and in Ms A's interview with the police. XXX

184. Dr Masood did not deny that he and Ms A visited Poundland but denied both that Ms A's brother accompanied them and Ms A's account of events. In his witness statement dated 7 November 2022, Dr Masood stated:

"This is denied. During our London trip, Ms A's brother never accompanied us to any shop[XXX] It is incomprehensible that [Ms A] should suggest that her brother [XXX] We did visit [XXX], but Ms A's brother was not with us. Ms A bought a number of items and the bag was stuffed full. Later, as we were walking, the bag burst. I was carrying the bag at the time. We did not have any argument about the items Ms A purchased in [XXX]. [XXX]I did not have a problem with her choosing some items from this shop."

185. There was significant dispute between the accounts of Ms A and Dr Masood, XXX

186. In preferring the account of Dr Masood in respect of this paragraph, the Tribunal had regard to other evidence that it heard during the course of this hearing. In particular, the way in which witnesses who appeared on Dr Masood's behalf were adamant that he would not have used language that was clearly evidenced before the Tribunal, nor behaved in a way that documentary evidence showed he did. The Tribunal found that Dr Masood maintained a public persona as demonstrated by the evidence of those witnesses and he did not display his somewhat darker side to others.

187. In addition, the Tribunal did not find it credible that there was XXX. Further, the Tribunal found it entirely feasible that a cheap carrier bag might split as described by Dr Masood. The Tribunal did not find that it was more likely than not that he would have snatched the bag from the Ms A and thrown it across the floor while shouting at her, because the Tribunal found that this was not the way he was in the habit of conducting himself in public. The Tribunal did not accept Ms A's account, which it found to be embellished with emotive information, that had not previously been given.

188. For the reasons given above, the Tribunal did not find that, on the balance of probabilities, it was more likely than not that Dr Masood carried out the emotional abuse set out in paragraph 12. The Tribunal found paragraph 12 not proved.

Paragraph 13

189. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A emotionally in that he shouted at her XXX and said that she was illiterate, or words to that effect.

190. Ms A has produced a number of statements in which she complained of Dr Masood's treatment as set out below:

To Police Scotland in August 2018:

[XXX], he start shouting and abusing [XXX] I feel scare he don't care anybody around and start swearing at me, shouting at me and if he got chance he push me, hold my arm and through me in car."

Ms A's police interview dated 23 August 2018:

"[XXX] He started to scream at me [XXX]"

And, Ms A's witness statement dated 13 November 2021:

"[XXX] Dr Masood then started to shout at me, [XXX]. I was scared, and Dr Masood was shouting and swearing at me. Dr Masood said that I was illiterate [XXX]"

191. Dr Masood denied this paragraph of the Allegation. XXX

192. Ms A challenged Dr Masood's assertion XXX

193. The Tribunal noted the different accounts given by Ms A and that, when giving oral evidence in cross examination during this hearing, she mentioned for the first time that XXX

194. In preferring Dr Masood's account of this paragraph of the Allegation, the Tribunal found that, XXX, it was unlikely that Dr Masood would have behaved in the manner alleged in front of XXX for the reasons set out above. The Tribunal further found that it was able to attach little weight to the evidence of Ms A because there had been significant inconsistency

in her accounts and, in particular, the account she gave when answering questions in cross examination.

195. For the reasons given above, the Tribunal did not find, on the balance of probabilities, that it was more likely than not that the matters alleged in paragraph 13 took place. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 14

196. The Tribunal considered whether, on or around XXX, when Ms A asked Dr Masood XXX, he abused her emotionally in that he told her that she: did not know anything; was illiterate; and/or XXX - or words to that effect.

197. The Tribunal had regard to the written and oral evidence of Ms A and Dr Masood. The Tribunal noted that Ms A first made reference to this complaint in her statement to Police Scotland (in September 2018). The Tribunal also had regard to the date on which this incident was alleged to have taken place XXX.

198. Dr Masood denied the allegation and disputed the fact that it ever happened. XXX

199. XXX

200. XXX

201. In the absence of any evidence to the contrary, the Tribunal preferred the evidence of Dr Masood, that the incident as alleged did not happen. The fact that Ms A had produced an undated photograph of her appearing to be crying, purporting to be on that day, did not amount to corroborative evidence of the incident occurring. In the circumstances and for the reasons set out above, the Tribunal did not find that, on the balance of probabilities, it was more likely than not that Dr Masood carried out the alleged emotional abuse at set out in paragraph 14. The Tribunal found paragraph 14 of the Allegation not proved.

Paragraph 15

202. The Tribunal considered whether, in or around XXX, Dr Masood abused Ms A sexually, in that he forced her to perform oral sex on him.

203. The Tribunal had regard to the evidence of Ms A and noted that she first complained of this matter in her police interview of 23 August 2018. It was her evidence that, on three or four occasions, Dr Masood forced her to perform oral sex on him with the first occasion being in XXX.

204. Dr Masood denied this paragraph of the Allegation XXX.

205. XXX

206. This incident was not witnessed by anyone else and the Tribunal did not hear from any witness in whom Ms A might have confided in about the alleged abuse. The Tribunal did have regard to the fact that Ms A had complained about this conduct in the summer of 2018. It reminded itself, however, that just because an allegation was repeated it did not by necessity make it true. The Tribunal had regard to the circumstances that led to Ms A pursuing her complaints against Dr Masood XXX.

207. It also had regard to the Crown Court Compendium and the submissions of Mr Moran in respect of allegations of sexual XXX abuse. The Tribunal was also mindful of the circumstances in which a person may delay in bringing matters of this nature to light and there may be inconsistencies in the manner they are recounted over time.

208. As mentioned above, the repetition of an account on more than one occasion, in circumstances such as these, cannot be sufficient to show that it was more likely than not that the alleged sexual abuse took place. Whilst the Tribunal accepted that conduct such as this was difficult to prove, in this case there was no supporting evidence of any kind. Nothing in the form of medical evidence of sexual abuse, which might potentially speak to either physical or psychological trauma. Nor was there any hearsay evidence from a person in whom Ms A might have confided. The Tribunal reminded itself that, although Ms A gave evidence that she had confided in others about the alleged abuse, this was not borne out by the evidence of the witnesses who appeared before the Tribunal.

209. It was for the GMC to prove its case to the required standard of proof. The Tribunal was not required to make a finding that something ‘could’ have happened. The standard required is that it was more likely than not that it ‘did’ happen. As set out above, when dealing with allegations such as these it was imperative that the Tribunal approached its task by looking at all of the evidence in the round and establishing whether there was contemporaneous or documentary evidence that supported the alleged acts.

210. Having carried out this evaluation of the evidence, the Tribunal concluded that there was insufficient evidence before the Tribunal for it to reach a conclusion that, on the balance of probabilities, it was more likely than not that Dr Masood carried out the alleged sexual abuse as set out at paragraph 15. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 16

211. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A physically, in that he: grabbed her arm; dug his fingernails into her arm; dragged her out of a shop; and/or threw her into the car.

212. The Tribunal had regard to Ms A's witness statement dated 13 November 2021:

"[XXX] Dr Masood grabbed my arm in the middle of the shop, and dug his fingernails into my arm. Then he dragged me out of the shop. Dr Masood then threw me into the car and threw my mobile phone into the car. [XXX]"

213. Dr Masood denied the allegation and was unable to recall whether he and Ms A visited a shop or not on this day. XXX

214. XXX

215. It was Ms A's evidence that Dr Masood became angry because XXX; just as she alleged he had done on XXX. The Tribunal did not see any evidence that Dr Masood had XXX. The Tribunal also had regard to its previous finding that Dr Masood would be unlikely to conduct himself in public in the manner described for the reasons set out in respect of paragraphs 12 and 13 of the Allegation.

216. Having had regard to all the evidence, the Tribunal did not find that, on the balance of probabilities, it was more likely than not that Dr Masood carried out the alleged abuse at paragraph 16 of the Allegation. The Tribunal found this paragraph not proved.

Paragraph 17

217. The Tribunal considered whether, in or around XXX, Dr Masood abused Ms A sexually in that he told her his was in the mood for doing something and when she said she did not

want to do anything, or words to that effect, he: removed her clothes; got on top of her; put lotion on her vagina and buttocks area; inserted his fingers into her vagina; tried to insert his fingers into her mouth, despite the fact that she tried to stop him and closed her mouth; and/or put his fingers into her vagina and anus, despite the fact that she tried to push him away.

218. The Tribunal had regard to the evidence of Ms A and Dr Masood. In her witness statement of 13 November 2021, she recorded:

“That evening, [XXX]. Dr Masood [XXX] said ‘I’m in the mood for doing something’. [XXX] I tried to tell Dr Masood that I did not want to do anything, but he did not listen. Dr Masood took my clothes off, and got on top of me. He put the lotion on my vagina and buttocks area, and then inserted his fingers into my vagina. Dr Masood then tried to put his fingers in my mouth. I tried to stop him very forcefully, and I had my mouth firmly closed, but he put his fingers near my mouth and said that he was using a different finger. Dr Masood had more strength than me, and he did put his fingers in my mouth.

Dr Masood then arranged me into a position where my head was down, and my legs were higher behind me – he told me to arrange myself into a position like a horse. Dr Masood then inserted his fingers into my vagina and also my anus. I tried to push Dr Masood away, but I was not strong enough.”

219. According to Ms A’s evidence, this incident was said to have occurred XXX. Ms A accepted that this incident was not mentioned in other statements and, by way of explanation for the absence, she employed the same reasoning as previously, which the Tribunal had rejected as being unsatisfactory.

220. Dr Masood denied the allegation and stated that sexual activity of the type described never took place. The Tribunal had regard to the fact that consenting adults may agree to engage in sexual activity of all types that others may not find acceptable. Dr Masood’s evidence was that this type of sexual activity did not take place even on a consensual basis. Ms A was not asked about the nature of their consensual activity.

221. As with the previous allegations of sexual abuse, this incident was not witnessed by anyone else and the Tribunal did not hear from any witness in whom Ms A might have confided in about the alleged abuse.

222. The Tribunal had regard to the Crown Court Compendium and the submissions of Mr Moran in respect of allegations of sexual XXX abuse. The Tribunal was also mindful of the

circumstances in which a person may delay in bringing matters of this nature to light and there may be inconsistencies in the manner they are recounted over time.

223. As mentioned above, whilst the Tribunal accepted that conduct such as this was difficult to prove, in this case there was no supporting evidence of any kind. Nothing in the form of medical evidence of sexual abuse, which might potentially speak to either physical or psychological trauma. Nor was there any hearsay evidence from a person in whom Ms A might have confided. The Tribunal reminded itself that, although Ms A gave evidence that she had confided in others about the alleged abuse, this was not borne out by the evidence of the witnesses who appeared before the Tribunal.

224. It was for the GMC to prove its case to the required standard of proof. The Tribunal was not required to make a finding that something ‘could’ have happened. The standard required is that it was more likely than not that it ‘did’ happen. As set out above, when dealing with allegations such as these it was imperative that the Tribunal approached its task by looking at all of the evidence in the round and establishing whether there was contemporaneous or documentary evidence that supported the alleged acts.

225. Having carried out this evaluation of the evidence, the Tribunal concluded that there was insufficient evidence before the Tribunal for it to reach a conclusion that, on the balance of probabilities, it was more likely than not that Dr Masood carried out the alleged sexual abuse as set out at paragraph 17. The GMC has failed to discharge the burden upon it to prove this paragraph and, accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 18

226. The Tribunal considered whether, on or around XXX when Ms A asked him about pictures and chat she had seen XXX, Dr Masood abused her sexually, in that he: pushed her legs; got on top of her; forced his penis into her mouth, despite the fact she tried to push him away and closed her lips tightly to stop him; and/or held his penis and touched it to her lips whilst laughing and saying he would do it again, or words to that effect.

227. The Tribunal had regard to the evidence of Ms A and Dr Masood. In her witness statement dated 13 November 2021, Ms A stated:

“On [XXX], I saw his pictures and chat [XXX]. He first became angry and verbally abusive and then pushed my legs and came on top of me and forced to put his penis

inside my mouth. I tried to push him away and closed my lips tightly to prevent him to put his penis in my mouth but he was holding his penis and touching it on my lips. He was laughing and said he would do it again. He then after 20 mins left for his work.”

228. Dr Masood denied the allegation and, in addition, confirmed that he would not have been engaging in sexual activity during the day on XXX because XXX. When this was put to Ms A in cross examination, she said that the date of the alleged event was only an approximate date and agreed that, XXX

229. The Tribunal found that, in addition to the allegation itself, there were other aspects of Ms A’s evidence surrounding this allegation that were not credible. XXX

230. XXX

231. In addition to the inconsistency and unreliability of the account of Ms A, the Tribunal had regard to its previous findings in respect allegations of sexual abuse.

232. This incident was not witnessed by anyone else and the Tribunal did not hear from any witness in whom Ms A might have confided in about the alleged abuse.

233. The Tribunal bore in mind the guidance in the Crown Court Compendium and the submissions of Mr Moran in respect of allegations of sexual XXX abuse. The Tribunal was also mindful of the circumstances in which a person may delay in bringing matters of this nature to light and there may be inconsistencies in the manner they are recounted over time.

234. As mentioned above, whilst the Tribunal accepted that conduct such as this was difficult to prove, in this case there was no supporting evidence of any kind. Nothing in the form of medical evidence of sexual abuse, which might potentially speak to either physical or psychological trauma. Nor was there any hearsay evidence from a person in whom Ms A might have confided. The Tribunal reminded itself that, although Ms A gave evidence that she had confided in others about the alleged abuse, this was not borne out by the evidence of the witnesses who appeared before the Tribunal.

235. It is for the GMC to prove its case to the required standard of proof. The Tribunal was not required to make a finding that something ‘could’ have happened. The standard required is that it was more likely than not that it ‘did’ happen. As set out above, when dealing with allegations such as these it was imperative that the Tribunal approached its task by looking at

all of the evidence in the round and establishing whether there was contemporaneous or documentary evidence that supported the alleged acts.

236. Having carried out this evaluation of the evidence, the Tribunal concluded that there was insufficient evidence before the Tribunal for it to reach a conclusion that, on the balance of probabilities, it was more likely than not that Dr Masood carried out the alleged sexual abuse as set out at paragraph 18. The GMC has failed to discharge the burden upon it to prove this paragraph and accordingly the Tribunal found this paragraph of the Allegation not proved.

Paragraph 19

237. The Tribunal considered whether, on or around XXX whilst Ms A XXX, Dr Masood abused her emotionally in that he shouted and swore at her, asking her what she was doing XXX, or words to that effect.

238. The Tribunal noted that Ms A had first raised this complaint in her statement to Police Scotland in August 2018. In that statement it was recorded that:

“On [XXX] he went [XXX] and threaten me that I will see you and you would not imagine what I will do to you and started shouting abuses, [XXX] came and said to him please don’t abuse her.”

239. Her witness statement dated 13 November 2021 gave more detail of the incident as set out below:

“[XXX] Dr Masood came [XXX] and started to shout and swear at me, asked me what I was doing [XXX]”

240. Dr Masood denied the allegation and, in oral evidence, told the Tribunal the incident was totally made up.

241. The Tribunal accepted that there was discord XXX. However, in respect of this paragraph of the Allegation, although Ms A provided additional detail of the incident in her witness statement of 13 November 2017, there remained little information about what words were used that were said to amount to emotional abuse. Ms A complained that Dr Masood was shouting and swearing but the Tribunal was not told what was said other than he asked what she was doing XXX.

242. The Tribunal acknowledged that it was difficult to prove that this incident took place when there was no corroborative evidence to support one side or the other. It found however that there was insufficient evidence on which the Tribunal could reasonably conclude, on the balance of probabilities, that this incident either occurred in the manner alleged or that it amounted to an act of emotional abuse. The Tribunal found that the GMC has failed to discharge the burden that, on the balance of probabilities, it was more likely than not that Dr Masood emotionally abused Ms A in the manner alleged as set out in this paragraph. Accordingly, the Tribunal found paragraph 19 of the Allegation not proved.

Paragraph 20

243. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A physically, in that he XXX dragged her onto the floor XXX.

244. The Tribunal noted that it was Ms A's case that, on XXX, Dr Masood had gotten angry XXX. There was little detail about this incident and it did not form part of the Allegation. It is mentioned here by way of context only.

245. Ms A first complained of this incident in both in her statement to Police Scotland in August 2018, and around the same time in her statement XXX. The Tribunal noted that both of those statements were prepared just over a year after the incident was alleged to have taken place. The account given in Ms A's witness statement of 13 November 2021 provided more detail but was generally consistent with her previous accounts. In it she recorded:

"The next day, on [XXX], Dr Masood [XXX] dragged me onto the floor [XXX] I was screaming in pain and asking him to stop. I was thinking why is he doing this, is he in his senses, [XXX]"

246. Dr Masood denied the allegation and confirmed, in oral evidence, that he had never dragged Ms A as alleged, XXX. In his witness statement of 7 November 2022, he recorded:

"This is denied. I never dragged Ms A onto the floor at any time, but I find it particularly abhorrent that it is suggested that I did this [XXX], and when Ms A was [XXX]. This would never happen."

247. The Tribunal noted the accounts given by Ms A and Dr Masood. The incident alleged appeared to have been an unprovoked assault of Ms A by Dr Masood, XXX. The Tribunal was

not given any further information about the circumstances in which this alleged abuse took place.

248. During the course of this hearing Ms A had attempted to give evidence about XXX. She was not invited to do this and it did not form part of her evidence in chief. There was no application on the part of the GMC to include this and the Tribunal has not considered it in any way in its decision making process.

249. The Tribunal considered the evidence of Ms A and had regard to the fact that she had provided a generally consistent account of the incident since 2018. However, in these circumstances, the Tribunal was not satisfied that this was sufficient to enable the Tribunal to rely solely on the evidence of Ms A.

250. The Tribunal also had regard to its previous findings that Dr Masood was unlikely to expose a darker side of his personality in front of other people, XXX.

251. The Tribunal was not satisfied that the evidence before it was sufficient for it to make a finding, on the balance of probabilities, that it was more likely than not that Dr Masood physically abused Ms A in the manner alleged at paragraph 20.

252. The Tribunal determined that the GMC has failed to discharge the burden of proof to the required standard in respect of paragraph 20 of the Allegation. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 21

253. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A: (a) emotionally, in that: (i) whilst she was stood by his car XXX he started to shout at her, making one or more of the comments set out in Schedule 8, or words to that effect; and (ii) he made the comments set out in Schedule 9, or words to that effect; and (b) physically, in that he opened the car door onto her face, near her right ear.

254. The Tribunal noted that Ms A first complained about this alleged behaviour in her statement to Police Scotland in August 2018. Whilst the content of that statement was generally consistent with her statement of 13 November 2021, the later statement contained more detail as set out below:

“On [XXX] I went [XXX] in an attempt to normalise the situation. I was standing near his car. Dr Masood then started to shout at me, [XXX] Dr Masood then opened the car door onto my face, near my right ear, then closed the door and drove off while shouting and swearing at me. [XXX]”

255. Dr Masood denied the allegations XXX The Tribunal accepted that Ms A may have been mistaken about the date.

256. XXX

257. XXX None of this evidence formed the basis of any allegation and is provided only to give context to paragraph 21 of the Allegation.

258. The Tribunal had regard to the evidence before it and the words alleged to have been used in Schedule 8. The Tribunal accepted Dr Masood’s evidence that XXX

259. In respect of the comment said to have been made about XXX, the Tribunal found that this would have been a gratuitous and childish comment to make. Whilst the Tribunal had sight of examples of the inappropriate language used by Dr Masood, there was no evidence of words of a similar nature to what was alleged to have been said in this paragraph of the Allegation.

260. XXX

261. In the circumstances and for the reasons set out above, the Tribunal did not find, on the balance of probabilities, that Dr Masood made any of the comments set out in Schedule 8.

262. The Tribunal accepted that Ms A and Dr Masood had fallen out XXX

263. XXX

264. XXX

265. XXX

266. In the circumstances, the Tribunal was not satisfied that it was able to rely on Ms A’s account of events in respect of this incident. In the absence of any corroborative evidence or

evidence of Dr Masood making such comments in the past, the Tribunal found that the GMC has not discharged the burden to show that it was more likely than not that Dr Masood said the words set out in Schedule 9 to Ms A.

267. Accordingly, the Tribunal found paragraph 21(a) of the Allegation not proved.

Paragraph 21(b)

268. The relevant part of Ms A's witness statement provided that:

"Dr Masood then opened the car door onto my face, near my right ear, then closed the door and drove off while shouting and swearing at me. [XXX]"

269. The Tribunal had regard to all of the evidence relating to paragraph 21 in the round and had regard to its reasoning in respect of paragraph 21(a) of the Allegation.

270. Dr Masood denied this allegation and provided no further detail in his witness statement and was not asked further about it in cross examination.

271. Having heard Ms A's account of what happened that morning, the Tribunal was not satisfied that it had sufficient explanation of events before it to make a finding that Dr Masood had physically abused Ms A in the manner alleged. Consequently, the Tribunal found that the GMC has failed to discharge the burden of proving that, on the balance of probabilities, it was more likely than not that Dr Masood physically abused Mr A as alleged at paragraph 21(b). The Tribunal find paragraph 21(b) not proved.

Paragraph 22

272. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A emotionally in that she came to tell him XXX and he said *"get out of the room bastard and shut the door"*, or words to that effect.

273. In her witness statement dated 13 November 2021, Ms A stated:

"[XXX]"

During [XXX], I went to tell Dr Masood [XXX], and he told me to get out of the room bastard and shut the door. I had tears in my eyes, [XXX]."

274. Dr Masood denied the allegation. He confirmed that XXX and, in his witness statement dated 7 November 2022, stated:

“This is denied. [XXX] I did not have an argument with Ms A or speak to her aggressively [XXX]”

275. The photograph taken that evening showed Ms A XXX. Whilst Ms A accepted that the picture was of her, she suggested that someone could have changed the date on it. The Tribunal found that this was a common theme adopted by Ms A when she was faced with evidence that did not support her account of an event. XXX

276. XXX

277. XXX The Tribunal preferred Dr Masood’s evidence because, on the balance of probabilities and in the absence of an explanation to the contrary, it found it would have been the more likely scenario XXX.

278. The Tribunal did not find that it was more likely than not that Dr Masood emotionally abused Ms A in the manner alleged at paragraph 22 of the Allegation. The Tribunal found this paragraph not proved.

Paragraph 23

279. The Tribunal considered whether, on or around XXX after Ms A asked Dr Masood if everything was okay XXX, he started to shout at her and then he abused her physically, in that he: twisted her arm; and/or tried to punch her.

280. The Tribunal noted that Ms A had first raised this complaint in her statement to Police Scotland in August 2018. Whilst there was some level of inconsistency in the sequence of events, Ms A’s statement of 13 November 2021 broadly reflected her first account of this incident. In that statement she stated:

“[XXX] so I asked Dr Masood if everything was ok. Dr Masood started to shout at me and then twisted my arm. I was crying in pain and then Dr Masood let go of my arm and then tried to punch me [XXX]”

281. Dr Masood denies the allegation but does accept that XXX which led to disagreement but not in the way described by Ms A. In his witness statement of 7 November 2022, he stated:

“This is denied. [XXX] During this incident, it was Ms A who was being abusive towards me and I did not physically assault her.”

282. The Tribunal was shown XXX referred to in Dr Masood’s statement, and which confirm what he said. XXX

283. Ms A refuted a suggestion that XXX However, the Tribunal reminded itself of the audio recording it had heard where Ms A clearly expressed XXX.

284. Whilst the Tribunal accepted that a heated argument took place on that occasion, the Tribunal was not satisfied that there was sufficient reliable evidence to determine, on the balance of probabilities, that it was more likely than not that a physical abuse of the type alleged took place. While Ms A produced pictures which showed varying degrees of bruising to her arms, none of these related to the date in question.

285. The Tribunal concluded that the GMC had failed to discharge the burden of proof to show that it was more likely than not that Dr Masood physically abused Ms A in the manner alleged in paragraph 23. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 24

286. The Tribunal considered whether, in or around XXX, Ms A told Dr Masood she was feeling tired and he abused her sexually in that he:

- a. inserted his finger into her vagina;
- b. said *“now I am going to do sex with you”*, or words to that effect, when she tried to push him away to make him stop;
- c. refused to stop and inserted his fingers into her: vagina; and/or anus;
- d. forced her to have sexual intercourse.

287. The Tribunal noted that there was mention of this incident in Ms A’s Police interview in August 2018 but not in the statement to Police Scotland. It was Ms A’s evidence, as set out in her witness statement dated 13 November 2021, that:

“I cannot recall the exact date, but in [XXX] there was an incident where Dr Masood forced me to have sexual intercourse with him. [XXX]Mr Masood then inserted his finger into my vagina, and I tried to push him away to make him stop, but I was unable to. After inserting his finger, Dr Masood said ‘now I’m going to do sex with you’ – I tried to get up and push him away, and I told Dr Masood that I did not want to have sexual intercourse, but he did not stop. Dr Masood inserted his fingers into my vagina, and then he inserted his fingers into my anus...”

288. Dr Masood denied the allegation and maintained that all sexual activity between he and Ms A was consensual.

289. The Tribunal adopted the same approach to this allegation as it did to previous allegations of a similar nature, taking all evidence into the round and having regard to the guidance of the Crown Court Compendium.

290. XXX

291. As with the previous allegations, this incident was not witnessed by anyone else and the Tribunal did not hear from any witness in whom Ms A might have confided in about the alleged abuse. The Tribunal did have regard to the fact that Ms A had complained about this conduct in the summer of 2018, in the Metropolitan police interview. It reminded itself, however, that just because an allegation was repeated did not by necessity make it true. The Tribunal had regard to the circumstances that led to Ms A pursuing her complaints against Dr Masood XXX.

292. As mentioned above, the repetition of an account on more than one occasion, in circumstances such as these, cannot be sufficient to show that it was more likely than not that the alleged sexual abuse took place. Whilst the Tribunal accepted that conduct such as this was difficult to prove, in this case there was no supporting evidence of any kind. Nothing in the form of medical evidence of sexual abuse, which might potentially speak to either physical or psychological trauma. Nor was there any hearsay evidence from a person in whom Ms A might have confided. The Tribunal reminded itself that, although Ms A gave evidence that she had confided in others about the alleged abuse, this was not borne out by the evidence of the witnesses who appeared before the Tribunal.

293. For these reasons and the reasons given in the previous findings relating to allegations of sexual abuse, the Tribunal found that the GMC has failed to discharge the burden to the required standard of proof, to show that, on the balance of probabilities, it was

more likely than not that Dr Masood sexually abused Ms A in the manner alleged at paragraph 24. Accordingly, the Tribunal found paragraph 24 not proved.

Paragraph 25(a)

294. The Tribunal considered whether, on a date in XXX, Ms A told Dr Masood to XXX, and he abused her emotionally, in that he: told her he did not like her and would not sleep with her again, or words to that effect; and/XXX, asking her if she had told anyone about his behaviour, or words to that effect.

295. The Tribunal noted that Ms A first complained of this incident in her statement to Police Scotland. In her witness statement of 13 November 2021, her account of this allegation was:

“Dr Masood [XXX] I [XXX] told him to [XXX]. Dr Masood asked me to leave the room, and told me that if I went there, [XXX]. I was shocked by this and asked him why he was saying that to me [XXX]. He told me that he did not like me, and that he would not sleep with me again. Dr Masood pushed me out of the room and shut the door. I was crying, [XXX]. Dr Masood then came after me and [XXX] and asked me if I had told anyone [XXX] about his violent behaviour. I asked Dr Masood to [XXX], but he ignored me and twisted my arm and asked me to tell him. Then he slapped my face and put his hands around my neck. I told him that I couldn’t breathe, and he pulled my scarf around my neck and took my mobile phone from me. I was crying in pain and he put his hand over my mouth, and dragged me down the stairs and told me to [XXX]...”

296. Dr Masood denied the allegation. In oral evidence, he explained that, although he had no recollection of this incident, he did XXX but also said that Ms A did not like him doing this. He accepted that he did not like being told what to do and strongly denied ever XXX.

297. Dr Masood was asked about why he XXX and he replied that he did so on occasion XXX. The Tribunal had no evidence before it that Dr Masood told Ms A he would not sleep with her again, indeed Ms A’s evidence was that Dr Masood did sleep with her again after this incident. In addition, it had no evidence that Dr Masood XXX.

298. Although Ms A had made record of this incident in August of 2018, the Tribunal had regard to the fact that this was some 12 months after the alleged incident. XXX Whist it was likely that unkind words were exchanged at times XXX, given the specificity of the words alleged to have been used and the alleged action, the Tribunal did not find that there was

sufficient evidence to show that it was more than likely that Dr Masood used these words or XXX as alleged.

299. The Tribunal found that the GMC has failed to discharge the burden placed on it to the relevant standard to show that it was, on the balance of probabilities, more likely than not that Dr Masood emotionally abused Ms A as alleged in paragraph 25(a). Accordingly, the Tribunal found paragraph 25(a) of the Allegation not proved.

Paragraph 25(b)

300. The Tribunal considered whether, on a date in XXX, Ms A told Dr Masood to XXX, and he abused her physically, in that he: pushed her out of the room; twisted her arm; slapped her face; put his hands around her neck; pulled her scarf around her neck; put his hand over her mouth; and/or dragged her XXX.

301. The Tribunal also reminded itself had regard to the evidence of Ms A and Dr Masood. The date upon which this incident was said to have taken place was vague. There was no documentary evidence of any injuries that were alleged to have taken place at that time and neither XXX nor XXX were called to give evidence at this hearing. The Tribunal has not been told why they were not called and the Tribunal has not speculated as to the reason for their absence.

302. The Tribunal had regard to the fact that Ms A had reported this allegation in 2018 but was not satisfied that the mere repetition of an allegation was sufficient evidence to show that, on the balance of probabilities, it was more likely than not that Dr Masood carried out the physical abuse as set out in paragraph 25(b).

303. For the reasons set out above, the Tribunal found that the GMC has failed to discharge the burden placed upon it to the required standard and consequently found paragraph 25(b) of the Allegation not proved.

Paragraph 26

304. The Tribunal considered whether, on or around XXX, when Ms A asked Dr Masood why he had been aggressive with her XXX, he abused her physically in that he: threw one or more items at her, including those set out in Schedule 10; grabbed her by the neck; pulled

and twisted XXX around her neck; pushed her onto the floor; kicked her in the back; and/or tried to throw a chair at her.

305. By way of background, this alleged incident is said to have occurred on the morning after the matters set out at paragraph 23 of the Allegation, on XXX.

306. The Tribunal reminded itself of the circumstances of XXX and had regard to the witness evidence of Ms A of 13 November 2021, in which she wrote:

“The next morning, [XXX]. I asked him why he was aggressive towards me XXX, I was asking him simple questions and he said go away. I went [XXX], and Dr Masood then came in. Dr Masood started to throw things at me, anything he could get hold of – [XXX]. He also threw water over me. Then he started to shout at me again, and he grabbed me by the neck, and pulled and twisted [XXX] around my neck. He was throttling me with [XXX]. I thought he was going to kill me. Dr Masood then pushed me onto the floor and kicked me in the back. Then he tried to throw a chair at me. [XXX]. I had bruises and marks everywhere after this attack, and [XXX] took photos of the injuries...”

307. The Tribunal was also shown photographs which were said to show bruising to Ms A’s arm and hand. These photographs were undated, and although there did appear to be some degree of discolouration on the pictures, they were unclear and did not show evidence that they were of Ms A. Consequently, the Tribunal was unable to rely on these photographs due to quality of the photos and the uncertainty of their provenance.

308. In oral evidence, Ms A told the Tribunal that, when she questioned Dr Masood about his behaviour, he had accused her of behaving in the way in which she did because XXX. The Tribunal had regard to the witness evidence of Mr H who had a close relationship with Dr Masood. The Tribunal found Mr H to be a compelling witness who, although a close friend of Dr Masood, had not been afraid to express his disappointment at Dr Masood’s later behaviour and referred to him as behaving like a child. XXX

309. Dr Masood denied the allegation and, in oral evidence, confirmed that he had never thrown anything at Ms A.

310. The Tribunal found that there was tension XXX and, for the above reasons, accepted the evidence of Mr H that XXX. Although there may have been tension between Ms A and Dr Masood that morning due to what had taken place XXX, the Tribunal found that there was insufficient evidence to show, on the balance of probabilities, that Dr Masood physically

abused Ms A in the manner alleged at paragraph 26. In circumstances such as these, the fact that Ms A repeated this allegation on more than one occasion was not sufficient to show that it was likely to be true.

311. The Tribunal found that the GMC has failed to discharge the burden of proving to the requisite standard that, on the balance of probabilities, it was more likely than not that the matters alleged took place. Accordingly, the Tribunal found paragraph 26 of the Allegation not proved.

Paragraph 27

312. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A physically in that when she asked him about XXX he: slapped her across the face; grabbed her, dragging her XXX when she tried to run out; and/or snatched the phone from her hand XXX when she tried to call XXX.

313. In her witness statement of 13 November 2021, Ms A stated:

“[XXX]

On [XXX] I asked Dr Masood about [XXX]. He became aggressive towards me and slapped me across the face and tried to grab me, [XXX]. I was very scared, and that evening, at around midnight, I [XXX]. Dr Masood came after me and grabbed me and dragged me [XXX]. I was crying and begging him to stop. He told me not to tell anyone. I asked him to let me call [XXX] but Dr Masood snatched my phone from my hand, and then [XXX]...”

314. Dr Masood denied the allegation and, in his witness statement of 7 November 2022, stated:

“This is denied. Ms A suggests in her statement that I would [XXX]. This is completely untrue. [XXX]”

315. The Tribunal noted that there was no evidence that Dr Masood had XXX.

316. In oral evidence, Ms A explained that she felt compelled to question Dr Masood about XXX.

317. The Tribunal found that this was another example of Ms A's willingness to challenge Dr Masood and was inconsistent with her evidence XXX. The Tribunal also noted that, on that day, Ms A had been XXX. This was inconsistent with her previous evidence that XXX.

318. During the course of oral evidence, Ms A told the Tribunal that she had been scared to XXX. This was the first occasion on which XXX had been mentioned and Ms A accepted that she had not informed the GMC about this because she was not asked. This again was a common response of Ms A to questions of evidence that were said to exist but had not been produced.

319. Whilst the Tribunal did not find Ms A to be a wholly unreliable witness, it found that her credibility had been damaged by such inconsistency in her evidence. The Tribunal found that she had a tendency to give answers to questions that she wanted to give, as opposed to answering the question. Further, she had a tendency to embellish her evidence, sometimes with previously undisclosed details, in order to bolster her version of events.

320. In respect of this paragraph of the Allegation, the Tribunal did not accept Ms A's evidence because it was inconsistent with other evidence she had given, and her claims that XXX appeared to be nothing more than a bare assertion.

321. The Tribunal had regard to the photographs it was directed to by Mr Moran however, for the reasons set out above, the Tribunal was not satisfied that these were reliable evidence of the alleged physical abuse set out in paragraph 27 of the Allegation.

322. The photographs were said to show bruising to Ms A's arm and hand. These photographs were undated, and although there did appear to be some degree of discolouration on the pictures, they were unclear and did not show evidence that they were of Ms A. Consequently, the Tribunal was unable to rely on these photographs due to quality of the photos and the uncertainty of their provenance.

323. In respect of paragraph 27(a) to (c) of the Allegation, the Tribunal found that the GMC has failed to discharge the burden placed on it to the relevant standard to show that it was, on the balance of probabilities, more likely than not that the matters alleged took place. Accordingly, the Tribunal found paragraph 27 of the Allegation not proved.

Paragraph 28

324. The Tribunal considered whether, on or around XXX, after driving her to a rural area, Dr Masood abused Ms A: physically, in that he held her throat tightly; and/or emotionally, in that he said he would kill her, or words to that effect.

325. The evidence surrounding this incident was confusing as there was a clear dispute as to whether Ms A did or did not inform other people about her problems with Dr Masood. The allegation in this paragraph was said to have arisen because Ms A confided in others, who in turn told Dr Masood. XXX

326. XXX

327. XXX

328. XXX

329. Dr Masood denied that any of this occurred. He agreed that they would often go for drives in the country but could not remember whether they had done so at this particular time.

330. XXX

331. For the reasons set out previously, the Tribunal found Mr H to be a compelling witness. XXX

332. The Tribunal struggled to rationalise the breadth of the disputed evidence between Ms A's account, and that of Dr Masood and Mr H, especially in the light of the fact that XXX and had arranged to forward copies of some of the photographs that were provided as evidence in this hearing. The Tribunal was conscious of the version of events of Ms A and the contradictory one of Dr Masood. There was no conclusive supportive evidence before it and nothing to enable it to prefer one account over the other with any certainty.

333. Whilst it was necessary to ensure that the Tribunal looked at all of the evidence in the round when making its finding of fact, the Tribunal reminded itself that the burden of proving the allegation rested with the GMC and the issue to be determined was whether, on the basis of the evidence before it, the GMC has been able to discharge the burden to the standard required and show that, on the balance of probabilities, it was more likely than not that Dr Masood carried out the alleged physical and emotional abuse set out in paragraph 28.

334. Other than the evidence of Ms A, there was no other evidence that supported this.

335. The Tribunal determined that, on the balance of probabilities, it was not more likely than not that the matters alleged took place. The Tribunal concluded that the GMC had not discharged the burden in respect of paragraph 28. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 29

336. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A physically in that XXX after she had sent him messages saying XXX, he slapped her on the back.

337. It was Ms A's evidence that, whilst out walking with Dr Masood on XXX, he became angry with her XXX. The Tribunal noted that she first raised this issue in her statement to Police Scotland in August 2018:

“On [XXX] while doing walking outside, he asked me couple of questions to which I replied but he became angry (I cannot recall the topic of questions.).[XXX] he started shouting that what you think of yourself, why were you texting me, when we went [XXX], he swore at me and said [XXX] and pushed me [XXX] and slapped at my back.”

338. The Tribunal noted that, despite being unable to remember the content of the conversation that had caused Dr Masood to become angry, when she provided her statement in 2018, Ms A was able to provide significantly more detail in her witness statement of 13 November 2021:

“On [XXX] we were out walking. Dr Masood asked me a couple of questions. We saw a lady walking a dog, and Dr Masood said that English people had dogs with them because they want their vaginas to be leaking to fulfil their sexual desire. When Dr Masood said this i was wondering what type of person had this mentality, especially when he was a professional person as a doctor. [XXX] I didn't respond to anything that Dr Masood was saying, and then he became angry because I did not add anything to what he was saying. [XXX] he started to shout at me, and when we were inside he swore at me, [XXX], and slapped my back...”

339. Dr Masood denied the allegations but accepted that Ms A would join him when he went out for walks. In his witness statement dated 7 November 2022:

“This is denied. At times, Ms A would join me when I went out for a walk. I cannot recall whether or not we went for a walk on [XXX] or not. I do recall one occasion when we were walking and Ms A was complaining that it was too hilly and she was tired. She accused me of deliberately choosing to walk in a hilly area despite the fact that there are hills all around [XXX]. I said that she could just go [XXX] if she wanted to, and so she did [XXX] on her own. It was her choice. [XXX] I did not shout at her and I did not slap her. There would have been no reason for this. Ms A has misrepresented this entire incident in her statement. We did not have any inappropriate discussions on this walk. I did not become angry with her. I did not ask her to go [XXX] on her own. Ms A did not want to continue the walk and so it was reasonable for her return [XXX]. She had her phone with her the whole time and I do not believe that she found it difficult to navigate [XXX].”

340. In oral evidence when questioned by Mr Moran about Ms A’s reference to dogs in her statement of 13 November 2021, Dr Masood said that he thought only a sick man would make a comment such as that. The Tribunal found that, if Dr Masood had made such offensive comments when they were out for their walk that day, it was not credible that Ms A would only remember that he had said this four years later and not when her memory would have been somewhat fresher when she first complained in 2018. The Tribunal found, on the balance of probabilities, that this was another example of Ms A embellishing her account in order to paint Dr Masood in a poor light. The issue to be determined by the Tribunal, however, was whether Dr Masood slapped Ms A on the back XXX.

341. Whilst the Tribunal had not found either of these witnesses to be wholly reliable, it reminded itself that it was for the GMC to show sufficient evidence to show, on the balance of probabilities, that it was more likely than not that Dr Masood physically abused Ms A in the manner set out at paragraph 29.

342. This incident was not witnessed by anyone else and, whilst the core of Ms A’s account remained the same, merely repeating evidence was not sufficient in these circumstances to render it the truth.

343. The Tribunal determined that, on the balance of probabilities, there was insufficient evidence such that it was not more likely than not that the matters alleged took place. The Tribunal noted that the burden of proof rests on the GMC and concluded that the GMC had not discharged the burden in respect of paragraph 29. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 30

344. The Tribunal considered whether, on or around XXX he shouted at Ms A and he abused her physically in that he tried to slap her.

345. Ms A set out the detail of the alleged incident in her witness statement of 13 November 2021:

“On or around [XXX] Dr Masood then started to shout at me, [XXX] He tried to slap me, but [XXX] pushed him away and then gave Dr Masood a glass of water...”

346. Dr Masood denied the allegation. XXX

347. In oral evidence, Ms A gave inconsistent accounts of XXX and XXX. The issue to be determined by the Tribunal, however, was whether or not Dr Masood attempted to slap Ms A XXX. Dr Masood denied that he did XXX

348. The Tribunal previously found that Dr Masood maintained a public persona as was demonstrated by the glowing accounts of his disposition from his friends. The Tribunal found that, given this finding, it would be even more unlikely that Dr Masood would demonstrate violence XXX. Consequently, in the absence of corroborative evidence to the contrary, the Tribunal did not find that it was more likely than not that Dr Masood attempted to physically abuse Ms A in the manner alleged. The Tribunal found paragraph 30 of the Allegation not proved.

Paragraph 31

349. The Tribunal considered whether, in or around XXX, Dr Masood abused Ms A sexually, in that he started to remove her clothes and she told him she was not in the mood and feeling weak. Despite this and her trying to stop him, he: took off her clothes; started kissing her body very hard; kissed her vaginal area; said “today you have to suck my penis”, or words to that effect; inserted his penis into her vagina; and/or put his thumb and one finger up her anus.

350. In her witness statement Ms A explained the detail of this allegation:

“[XXX], he came to the room and start taking off my clothes. I told him that I am not in the mood [XXX]. Despite that he took off my clothes and started kissing on my body

very hard. He also kissed on my vaginal area, I stopped him but he did not listen to me. he said today you have to suck my penis .Then he started sex and inserted his penis .He then put his finger in to my vagina and thumb and one finger to my anus .I tried to push him but I could not as he was on top of me and had more strength than me...”

351. Dr Masood denied the allegations. He maintained that any sexual intercourse was consensual and that the acts alleged to have occurred, as set out in paragraph 31, did not happen.

352. In respect of this paragraph, this incident was not witnessed by anyone else and the Tribunal did not hear from any witness in whom Ms A might have confided in about the alleged abuse. The Tribunal did have regard to the fact that Ms A had complained about this conduct in the summer of 2018. It reminded itself, however, that just because an allegation was repeated it did not by necessity make it true. The Tribunal has not found Ms A to be an entirely reliable witness, for the reasons set out previously in this determination. The Tribunal repeated its reasonings in paragraphs 15, 17 and 18 and found that there was insufficient evidence before it to conclude that, on the balance of probabilities, it was more likely than not that the matters alleged took place. The Tribunal found that the GMC has failed to discharge the burden of proof to the requisite standard in respect of paragraph 31 of the Allegation. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 32

353. The Tribunal considered whether, on or around XXX after Ms A raised the matter set out in Schedule 11, or words to that effect, Dr Masood abused her physically in that he: slapped Ms A on her back; twisted Ms A’s arms; pushed Ms A XXX; held Ms A down XXX; shouted at Ms A; and/or put his hand over Ms A’s mouth, squeezing her cheeks.

354. In her witness statement of 13 November 2021, Ms A set out the detail of the alleged incident:

“On or around [XXX] Dr Masood and I were having sexual intercourse. [XXX]. Dr Masood started to shout at me and became aggressive. He went to leave the room and told me that I was characterless [XXX] Dr Masood then beat me, and then went to sleep [XXX]...”

355. Dr Masood denied the allegation and, in oral evidence, said that to his knowledge XXX.

356. The Tribunal noted that the detail of paragraph 32 of the Allegation was not contained in the witness statement of Ms A. The only reference was: “Dr Masood then beat me”. The Tribunal noted an email response from Ms A to a question raised by the GMC dated 29 July 2022. The question posed was “how did Dr Masood beat you?” Her response was:

“yes beaten ,he slapped on my back,twisted arms ,push me [XXX],came at me and started shouted in my ears and holding my arms with one end,and other hand on my mouth squeezing, fingers pressing my cheaques,[XXX].”

357. This email was not incorporated into Ms A’s witness statement of 13 November 2021, nor was it adopted as part of her evidence in chief before the Tribunal. In addition, she was not taken to the same in supplemental questions from Mr Moran.

358. The Tribunal found that there was no evidence of these alleged actions and the reference to being beaten in Ms A’s statement was insufficient to show evidence of the actions set out in paragraph 32. Even had Ms A provided an account under oath, as she is required to do, the Tribunal would not have been satisfied that a bare assertion from her, following a prompt from the GMC some five years after the alleged event, was sufficient to reasonably show that, on the balance of probabilities, Dr Masood was more likely than not to have physically abused Ms A in the manner alleged at paragraph 32.

359. The GMC has failed to discharge the burden of proving this paragraph of the Allegation to the required standard. Accordingly, the Tribunal found paragraph 32 not proved.

Paragraph 33

360. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A:

- a. physically, in that he: pushed her against the wall; grabbed her arms; put a scarf around her neck in an attempt to suffocate her; put his hand over her mouth; put his fingers into her mouth and pulled onto the side of her cheek; pulled the chain she was wearing around her neck; headbutted her on one or more occasion; pinched her nipples; and/or bit her nipples;
- b. sexually, in that he:
 - i. XXX and started to bite her body and/or put his fingers into her vagina;
 - ii. told her that he wanted to have sex with her and when she told him she didn’t want to as she was tired and tried to stop him, he: said that she had

to do it, or words to that effect; XXX; took off her clothes; put lotion around her genitals; tried to open her legs; inserted his finger into her vagina; and/or inserted his penis into her vagina and had sexual intercourse with her.

361. In her witness statement of 13 November 2021, Ms A set out her explanation of this incident:

“[XXX] Dr Masood came [XXX] and started to bite my bod and started putting finger in my vigena. He then left [XXX]. Later on Dr Masood [XXX] was holding some lotion and asked me if I was asleep. I said that I wasn’t, but I was about to go to sleep. Dr Masood said that he wanted to have sex with me and I told him that I did not want to as I am very tired and was not in the mood and Dr Masood said that I just had to do it. He was not listening to me. Dr Masood came over to me and [XXX], and then started to remove my clothes, and put lotion around my genitals. I was physically trying to make him stop, but he wouldn’t. I tried to push Dr Masood away, but I couldn’t get him off me. He tried to open my legs, then he inserted his finger into my vagina, then inserted his penis into my vagina and started to have started to have full sexual intercourse against my will, and Dr Masood then ejaculated... After Dr Masood ejaculated onto me, he went to leave the room. [XXX] I told Dr Masood that he needed to give me respect. Dr Masood became angry when I said this. I went into another room and then Dr Masood opened the door and started to beat me. He pushed me against the wall, he grabbed my arms and put a scarf around my neck and attempted to suffocate me. He put his hand over my mouth, then put his fingers into my mouth and pulled on the side of my cheek and I started to bleed. I was wearing a chain, which he pulled which left marks on my neck. He headbutted me more than once and I fell to the ground. I find it very shameful to say but Dr Masood was also biting my nipples during this and pinch on my nipples during beating which was extremely painful but he was laughing when looking me crying in pain... I took photographs of my injuries from this incident, and I attach copies of them as...”

362. The Tribunal was shown a picture of Ms A which she took of herself. The picture showed Ms A’s face and there were around four small red injuries to her bottom lip. There was redness in the middle and on one side of her lip. The Tribunal was also shown a number of other photographs, showing evidence of marks and bruises on Ms A’s body, which were date stamped 12.39pm on XXX.

363. Dr Masood denied the allegations and, in his witness statement of 7 November 2022, explained:

“This is denied. On [XXX] we travelled to [XXX] to visit my friend, [XXX]. I am appalled to read Ms A’s account. [XXX]. These allegations are completely untrue.”

364. In support of his evidence, Dr Masood produced a video dated XXX. The short video was of Ms A smiling and talking to Dr Masood, who was behind the camera. On the video Ms A said the date was the XXX

365. The Tribunal carefully scrutinised the images and video. It noted that the location of injury to the lip was in the same place on the picture and video and provides documentation of some facial trauma.

366. When questioned about the evidence of bruising and trauma on Ms A's body, Dr Masood said he had not seen these. He explained that her clothing would have covered the bruises on her arms and suggested that the marks on her lips looked like cold sores. He said that, at the time in question, he did not see the mark on Ms A's face. Dr Masood agreed that one particular picture showed nasty bruising and that she should have told him and he would have gotten help for her.

367. The Tribunal was satisfied that in the absence of an accident, which was not said to have happened, the photographs showed injuries of a physical assault.

368. Given that XXX, the Tribunal did not find it credible that Dr Masood would not have seen or noticed any of the injuries sustained by Ms A. If then he had seen them, unless he already knew that it was he who had caused them, he would have asked Ms A how they had occurred, especially in light of the fact that he is a medical practitioner.

369. In light of the clear injuries sustained by Ms A and in the absence of any alternative explanation for how she had sustained them, the Tribunal was satisfied, on the balance of probabilities, that Dr Masood had more likely than not carried out the physical abuse set out in paragraphs 33(a)(i) to (ii) and (iv) to (vii) because the photographic evidence produced showed evidence commensurate with the actions set out in those paragraphs.

370. In respect of paragraphs 33(a)(iii), (viii) and (ix) of the Allegation, the Tribunal noted that there were photographs of marks on Ms A's décolletage but no other relevant photographs or other supporting evidence. The Tribunal determined that there was insufficient evidence to show that, on the balance of probabilities, it was more likely than not that Dr Masood had physically abused Ms A in the manner alleged in paragraph 33(a)(iii), (viii) and (ix). The GMC has failed to discharge the burden of proof to the required standard in respect of these parts of paragraph 33 and the Tribunal found them not proved.

371. For the avoidance of doubt, the Tribunal did have regard to the video clip of XXX and Ms A's evidence that her injuries were so severe that she was unable to get out of bed for two days. The Tribunal found that whilst the video clip did show evidence of marks on Ms A's face and mouth it did not demonstrate injuries that would have been commensurate with the ferocity of the attack which she described. The Tribunal found Ms A, on occasions, had a tendency to exaggerate or embellish her accounts of her injuries, as previously found. Whilst once again Ms A had challenged the authenticity of the video clip, there was no evidence that it had been falsely created or edited.

372. In terms of paragraph 33(b), XXX

373. In respect of this paragraph, this incident was not witnessed by anyone else and the Tribunal did not hear from any witness in whom Ms A might have confided in about the alleged abuse. The Tribunal did have regard to the fact that Ms A had complained about this conduct in the summer of 2018. It reminded itself, however, that just because an allegation was repeated did not by necessity make it true. The Tribunal did not find Ms A to be an entirely reliable witness, for the reasons set out previously in this determination. The Tribunal repeated its reasonings in paragraphs 15, 17, and 18 and found that there was insufficient evidence before it to conclude that, on the balance of probabilities, it was more likely than not that the matters alleged took place. The Tribunal found that the GMC has failed to discharge the burden of proof to the requisite standard in respect of paragraph 33(b) of the Allegation. Accordingly, the Tribunal found this paragraph of the Allegation not proved.

Paragraph 34

374. The Tribunal considered whether, on or around XXX, after an argument, Dr Masood abused Ms A:

- a. emotionally, in that he drove to his workplace where he locked her in the car and left her for around three hours;
- b. physically, in that he grabbed her by her neck.

375. It was Ms A's evidence, as set out in her witness statement dated 13 November 2021, that:

"On [XXX] Dr Masood told me to come with him, and he would drop me at a friend's house. I was [XXX] and I heard him drive away. I called him and he said he was near

the main street and told me to go there, so I did and when I sat in the car he started to shout at me, and swear about [XXX]. He grabbed my neck as he was driving – he was using one hand to drive the car and the other hand was digging into my neck. I remember that we pulled up to some traffic lights and there was a car next to us, the people inside that car noticed what Dr Masood was doing, and when the signal changed Dr Masood drove off quickly. We then drove to Dr Masood’s workplace and he locked me in the car and left me there for three hours...”

376. Dr Masood denied the allegation. It was his evidence that the alleged event did not happen and that it would not have been possible to lock Ms A inside his car as she would have been able to unlock it from the inside.

377. In oral evidence, Ms A agreed at first that she could have gotten out of the car but that it was not in her mind that she should complain. When it was later suggested to her that she could have gotten out of the car, Ms A’s response was that she did not think that she could open it because of XXX. The Tribunal did not accept Ms A’s evidence that she did not think she could get out of the car because it was quite clear from both written and documentary evidence that Ms A travelled in that car regularly, XXX. As previously mentioned, Ms A was an educated woman and would have been well versed with the mechanisms of car doors, particularly as the Tribunal was told she used to drive XXX.

378. When it was suggested to Ms A that she had called Dr Masood earlier on his mobile phone, she pre-empted any further questions by responding that that this did not mean that she had her mobile phone with her as she did not always carry it. Given the proximity of Ms A calling Dr Masood and her leaving XXX to meet him, the Tribunal did not find it credible that if Ms A was going to be dropped at a friend’s house she would not have her phone with her.

379. The Tribunal was not given any information about what had prompted the alleged shouting in the car or the alleged physical attack upon her. In addition, it was not given any detail about the circumstances in which Ms A had been imprisoned in the car on or around the XXX.

380. The Tribunal did not find that Ms A had given a credible account of this incident. XXX. The Tribunal found that Ms A did not shy away from challenging Dr Masood, even when she knew it may cause an argument. The Tribunal did not find it credible that Ms A would have stayed in the car without food, drink, or access to a toilet for three hours without at least trying to see if the door would open. In addition, in the absence of an explanation as to why Dr Masood would have grabbed her by the neck in the manner described in this paragraph, the Tribunal did not find that there was sufficient reliable evidence to show to the required

standard that it was more likely than not that Dr Masood carried out the emotional and physical abuse set out in paragraphs 34(a) and 34(b) and, accordingly, found these paragraphs not proved.

Paragraph 35

381. The Tribunal considered whether, on a date between around XXX and XXX, Dr Masood gave Ms A XXX from a box which had been prescribed to Mr E.

382. It was Ms A's evidence that, on several occasions, Dr Masood provided Ms A with medication that had been prescribed for other people. In her witness statement of 13 November 2021, she stated:

“On several occasions Dr Masood provided me with medication that had been prescribed for other people. I asked Dr Masood about these medications he would tell me that he had done home visits and that is where he had got the medication from, or that the medication was from his friends. I attach... photos of medication in the name of [Mr E], which Dr Masood gave to me. The prescription on the medication box is dated [XXX]. I had been experiencing [XXX]. Dr Masood said he would bring me some medication, and he provided me with the medication pictured... When Dr Masood gave me this medication I noticed that it was not my name on the box, and I asked myself what was going on, and why Dr Masood wasn't taking me to a GP so I could discuss my symptoms with a doctor.”

383. The Tribunal was provided with a photograph of the box of XXX, which had been produced by Ms A. It was prescribed in XXX to Mr E and was dated XXX.

384. In cross examination, Mr Moran suggested that Dr Masood had provided this medication to Ms A to XXX. Dr Masood denied both this, and the allegation in full, explaining that he had no idea where Ms A obtained the medication from but that he would have had no reason to give this to her as similar medication could be bought over the counter.

385. XXX

386. In oral evidence, Ms A said that Dr Masood had given her this medication for XXX. In his witness statement, Dr Masood explained:

“This is denied. [XXX] is a medication used to treat [XXX]. I am unaware of Ms A ever suffering from this complaint. If she had needed a medication to treat this, [XXX] could

easily have accessed the same type of medication over the counter in any pharmacy and there are even similar medications available off the shelf. Alternatively she could have visited her GP to request a prescription. I have explained already that Ms A had her GP phone number and she always had access to her own mobile phone and she could have made an appointment to see her at any time. At no time did I ever prescribe any medicines directly for Ms A. I have never given her any medication which was prescribed for another individual. [Mr E] is not a registered patient at my practice. In her statement Ms A says that I wrote private prescriptions for private consultations. I have never done private consultations ever in my life. She also alleges that I would write prescriptions on [Mr D's] letter headed paper, which had sometimes been pre-signed. I have never done this. In all my years practising medicine in the UK, nobody has ever raised any concerns about my prescribing practices. My appraisals have always been satisfactory in this regard. [XXX]."

387. The Tribunal noted that XXX was not medication for the condition/s described by Ms A of XXX. It had regard to Dr Masood's statement above in which he stated that XXX was medication that was used to treat XXX.

388. The Tribunal accepted that Ms A had, in her possession, medication that had been prescribed for someone else, in Scotland at a time when XXX.

389. The Tribunal noted that it was not disputed that Mr E was not a patient registered with Dr Masood's practice. If this was the case it would then beg the question how Dr Masood had obtained the medication and given it to Ms A. The Tribunal noted that this was another incident whereby Ms A's written evidence sought to discredit Dr Masood but provided no documentary evidence to support the same. There was no doubt that Ms A had the medication set out above in her possession. Whilst the circumstantial evidence might suggest that it 'could' have been Dr Masood who gave the medication to Ms A, the Tribunal found that, in light of the evidence before it, there was insufficient evidence to show on the balance of probabilities that it was more likely than not that he did.

390. For the reasons set out above, the Tribunal found that the GMC has failed to discharge the burden of proof to show that, on the balance of probabilities, it was more likely than not that Dr Masood provided Ms A with the medication set out in this paragraph. Accordingly, the Tribunal found paragraph 35 not proved.

Paragraph 36

391. The Tribunal considered whether, on or around XXX, Dr Masood abused Ms A physically in that he put his hands around her neck.

392. Ms A first set out her account of this incident in her statement to Police Scotland dated August 2018. This account was consistent with her witness statement of 13 November 2021, save for the fact that the later account contained a more detailed explanation as set out below:

“On [XXX] Dr Masood told me that [XXX]. Dr Masood [XXX], and I moved back because I thought he was going to do something to me. He put his hands around my neck and I started to cry and asked him why he was doing this to me. Dr Masood then left the room and locked the door [XXX]. I was locked in the room for about 1-2 hours. Dr Masood then came in and was laughing and acting like nothing had happened...”

393. Dr Masood denied the allegations and maintained that there had never been an occasion when he had thrown food on the floor:

“This is denied. This incident never happened. There has never been an occasion when [XXX]. In her statement concerning this incident, Ms A also states that I locked her in the room for 1-2 hours. This did not happen and would not have been possible [XXX].”

394. In oral evidence, Ms A XXX. She explained that she could not remember whether they were in XXX or XXX when this exchange took place. XXX When challenged about her original version of events, the Tribunal noted that Ms A varied the account that she gave in order to advance her version of events.

395. Whilst Ms A made reference to the nature of the alleged abuse, the Tribunal had regard to the fact that there was no other evidence to support her claim. It was clear from Ms A’s evidence before the Tribunal that she did not wish to XXX and, consequently, this may have led to a tension between Dr Masood and Ms A when she asked the question. However, in the circumstances of this case and the finding of the Tribunal that Ms A was not a wholly reliable witness for the reasons set out above, the Tribunal did not find that the repetition of this account on more than one occasion was sufficient evidence to show, on the balance of probabilities, that it was more likely than not that Dr Masood carried out the physical abuse alleged in paragraph 36.

396. The Tribunal found that, in respect of paragraph 36, the GMC has failed to discharge the burden of proof to the requisite standard and the Tribunal found paragraph 36 of the Allegation not proved.

Paragraph 37

397. The Tribunal considered whether, on or around XXX, Dr Masood asked Ms A for her phone and when he saw she had taken pictures of injuries she had sustained, he abused her:

- a. emotionally, in that he grabbed XXX and told her that XXX if she did not tell the truth:
- b. physically, in that he: beat her and/or slapped and punched her XXX.

398. Ms A first complained of a version of this event to Police Scotland in August 2018. The Tribunal noted that, in her witness statement of 13 November 2021, Ms A included significantly more detail and, in particular, made reference to the photographs which had not been previously mentioned to Police Scotland.

399. Ms A set out the detail of this incident in her witness statement of 13 November 2021:

“[XXX] He then asked me to give my phone as he wanted to make a call to someone which I did not know but I did not want to give him my phone [XXX] which he saw and became very aggressive and angry. He beat me [XXX] and said that [XXX] if I did not tell the truth. [XXX] and Dr Masood became violent and then started to slap and punch me. I was screaming and crying in pain and was saying this man would kill me [XXX]. Dr Masood then stopped...”

400. Dr Masood denied the allegation. XXX

401. In oral evidence, Dr Masood said that XXX and Ms A’s account was totally made up.

402. The Tribunal noted that that Ms A had not produced any corroborative evidence of the alleged physical abuse.

403. XXX The Tribunal further had regard to Ms A’s evidence that the reason Dr Masood XXX was because he had asked to use her phone to call someone. Ms A did not give a reason why Dr Masood would not use his own phone and, given that she later referred to him using it later that night in a later paragraph of her statement, it was reasonable to assume that his phone had not been disabled by XXX.

404. The Tribunal also had regard to Ms A’s evidence in relation to the next day when it was alleged that Dr Masood left his phone XXX to record her. If Dr Masood’s phone had been

hacked, and he had needed to use Ms A's phone because of this, the Tribunal did not find it credible that he would have left it XXX instead of attending to securing the integrity of his phone.

405. Whilst the Tribunal had been careful not to place too much weight on minor inconsistencies when the core account of Ms A remained the same, it found this account to be littered with inconsistencies which were significant.

406. Ms A had raised a number of allegations relating to Dr Masood using XXX as a tool of abuse. The Tribunal had regard to Ms A's evidence overall and accepted that XXX. Dr Masood's evidence was that he was equally XXX and would never use it in the way alleged.

407. The Tribunal had regard to Mr Moran's submissions that the Tribunal should consider whether this showed a pattern of behaviour. The Tribunal did not find that repeating an allegation was, and of itself, evidence of a pattern of behaviour in these circumstances.

408. The Tribunal had regard to the fact that it was Ms A's evidence that Dr Masood already knew that Ms A had told others about the abuse, XXX. It was inconsistent with this evidence that Dr Masood would demand that Ms A XXX to this effect when he already knew that she had told others.

409. The Tribunal found there was insufficient evidence to show that it is more likely than not that Dr Masood used XXX to force Ms A into silence or to abuse her in any other way.

410. In respect of paragraph 37(a), the Tribunal found that the GMC has failed to discharge the burden of proving, on the balance of probabilities, that it was more likely than not that Dr Masood emotionally abused Ms A in the manner alleged. The Tribunal found paragraph 37(a) of the Allegation not proved.

411. In respect of paragraphs 37(b)(i) and (ii), for the reasons set out above, the Tribunal did not find that Ms A had given a credible account of this incident. Consequently, it did not find that, on the balance of probabilities, it was more likely than not that Dr Masood physically abused Ms A in the manner alleged. The Tribunal found paragraph 37(b) not proved.

Paragraph 38

412. The Tribunal considered whether, on or around XXX, Dr Masood said that Ms A was accusing him (XXX), or words to that effect, and he abused her:

- a. physically in that he: slapped her very hard on the back; dragged her XXX to another room; pushed her to the wall; hit his head on hers; grabbed her neck; and/or put his fingers on each side of her mouth and stretched her mouth outwards;
- b. emotionally, in that he locked her in the car for several hours whilst at his workplace.

413. Ms A set out the detail of this incident in her witness statement of 13 November 2021:

“[XXX], Dr Masood was acting normally. [XXX] and Dr Masood said that I was accusing him.

Dr Masood then slapped very hard on my back, and then dragged me [XXX] to the room. He pushed me to the wall and hit his head on my head, grabbed me from neck, stretched my mouth, blood came out through my lips and I was begging that please stop. [XXX]. He then took me in the car to his workplace, [XXX]. He told me to stay quiet in the car. He locked the windows and doors so that I could not get out. The car was parked in a position so that Dr Masood could see through the window in his office room. He was continuously looking at me through the window when he was not with a patient. The car was not parked in the usual car park – it was behind it, there were no other cars around it, but Dr Masood could see the spot from his window. Before he left me in the car, Dr Masood said that if anyone asked who I was, I was to tell them that I was a patient there for treatment, and that he would say the same. Dr Masood said that I was not allowed to tell anyone [XXX]. I was locked in the car for several hours...”

414. Dr Masood denied that allegation and repeated his previous evidence that it would not have been possible to lock Ms A in the car as she would have been able to open it from the inside. He provided further explanation in his witness statement of 7 November 2022:

“Furthermore, Ms A describes in her statement that I was continuously looking at her through my surgery window when I was not with a patient. This would not have been possible. My surgery is on the ground floor of the building, and is the furthest one away from the car park. The windows are tinted and have safety settings meaning that they can be opened only a few centimetres. It is not possible to visualise any car in the car park from my surgery window. All I can see from my surgery window, even when it is opened, is a small area of the ground immediately outside. Photographs of the window are attached... and a short video clip...”

415. In looking at the evidence in the round, and having regard to the inconsistencies identified above, the Tribunal also noted facts set out in Ms A's witness statement that were inconsistent with the alleged motive of Dr Masood. In her witness statement, Ms A referred to the following:

"[XXX]"

416. XXX The Tribunal noted that this information was not in Ms A's witness statement and nor had it been mentioned elsewhere.

417. The Tribunal did not accept Ms A's account about XXX at paragraph 37 of the Allegation and, for the same reasons, it did not accept her account as credible in respect of her account of Dr Masood XXX. The evidence Ms A had given in oral evidence was inconsistent with her written statement that XXX. The Tribunal previously found not proved the paragraph of the Allegation that XXX and, in the absence of any other evidence of conduct of this kind, it did not accept that Ms A had given a truthful account of Dr Masood XXX.

418. XXX

419. The Tribunal had regard to Ms A's responses to questions of Mr Buchanan in oral evidence. When shown a photograph of the place where Dr Masood would have been working on that day, which showed the type of and positioning of a window that would not have facilitated Dr Masood being able to see through the window to check on her as alleged, Ms A once again sought to challenge the reliability of the evidence produced. She challenged whether this was the window in the room in which Dr Masood worked and suggested that the building could have been altered since the incident. When questioned about how Dr Masood would have been able to see through a window that was frosted, Ms A responded that he could have opened and closed the window to look out and that was the same as seeing through it.

420. The Tribunal had regard to its findings in relation to paragraph 27 of the Allegation and found, for the same reasons, that in addition to the inconsistency in Ms A's evidence set out above. Ms A had not given a credible account of the circumstances of this paragraph of the Allegation.

421. In respect of the allegation of physical abuse, there was no corroborative evidence to support Ms A's account. Given that it was Ms A's evidence that Dr Masood hit his head on hers during this encounter, it was likely that there would have been visible evidence of this that she could have photographed, as she had done on previous occasions.

422. For the reasons set out above, the Tribunal did not accept Ms A's evidence and, in the absence of other evidence, did not find, on the balance of probabilities, that it was more likely than not that Dr Masood had carried out the physical abuse as set out in paragraph 38(a)(i) to (vi), or the emotional abuse as set out in paragraph 38 (b).

423. Accordingly, the Tribunal found paragraph 38 of the Allegation not proved.

Paragraph 39

424. This paragraph of the Allegation relates to events that were alleged to have taken place in XXX. It was Dr Masood's evidence, in his witness statement of 7 November 2022, that XXX was not pleasant XXX

425. The Tribunal noted that Ms A first complained about the events in XXX to Police Scotland in August 2018. In that statement, she wrote:

"[XXX]

Then [XXX], he locked the door and thrown cold water on me [XXX] and started brutally beating me. It was an extremely cold [XXX] night and I started shivering. I had no energy to protest and he brutally beaten me there, slapping on my face, punching, biting on my cheek so blood came out through my skin, pulling hairs. As a result of one of the heavy punch, I suffered a bruise below my left eye as can be seen from some of the pictures which I exhibited with this statement. I was able to take this picture on my mobile phone later that night after the incident [XXX].

He was extremely violent and abusive [XXX]."

The first part of this paragraph related to allegations of physical abuse as set out below.

Paragraph 39(a)

426. The Tribunal considered whether, on or XXX Dr Masood abused Ms A physically in that he: threw cold water over her; slapped her face; punched her face; bit her cheek; pulled

her head/hair; dragged her on the floor; headbutted her; threw her XXX; and/or bit her all over her body.

427. The Tribunal noted that Ms A's statement of 13 November 2021 was consistent with the statement given to Police Scotland but contained additional allegations of headbutting and a description of the biting in the following terms:

“The way he was biting my cheek was like an animal trying to take flesh out, my face was bleeding. Dr Masood threw me [XXX] and was on top of me (from head), and then he bit me all over my body.”

428. In support of Ms A's account of the attack, she produced photographic evidence and a letter from a Dr F, who examined Ms A XXX. The Tribunal was also taken to an expert report of Mr P, whose unchallenged evidence was that Ms A had not suffered XXX which had been the diagnosis of Dr F when she examined Ms A.

429. It was not disputed that, XXX, Dr Masood and Ms A were rowing. The dispute related to who was responsible for the argument but not the fact of the argument itself. The Tribunal found that it was evident, from the photographic evidence produced, that Ms A had incurred visible injury to her body on that date. However, it was not satisfied that the photographic evidence supported an attack of the ferocity described by Ms A.

430. The Tribunal also had regard to the letter/examination from Dr F and observed that it was written in a manner which the Tribunal found to be unusual. In particular, the observations such as B/P and temperature were not recorded, although antibiotics were prescribed and there was no mapping or other identification of the bruising recorded. Dr F did not appear to give evidence at the Tribunal, so it was not possible to obtain further explanation of her evidence. Given the fact of the incorrect diagnosis identified by Mr P and the lack of clarity or supporting findings in this letter, the Tribunal placed little weight on the report of Dr F.

431. In oral evidence, Dr Masood sought, for the first time, to explain the injury to Ms A's face as a simple clash of heads XXX. The Tribunal did not accept this evidence, not only because it had not been put to Ms A and so she had never been given the opportunity to challenge it, but also because his explanation was inconsistent with the injury evidenced in the photographs.

432. On the basis of the oral and documentary evidence before it, the Tribunal preferred the evidence of Ms A in respect of the physical abuse where this was supported by photographic evidence. The Tribunal did not accept her evidence in full because it found that her evidence, as to the ferocity of the account, was embellished and there was inconsistency in her account that XXX, which was inconsistent with the photographic evidence XXX. In addition, the video evidence that was produced XXX showed only a suggestion of bruising and was not commensurate with an attack of the ferocity described by Ms A.

433. In respect of paragraphs 39(a)(iii) of the Allegation, the Tribunal found that there was no other reasonable explanation of how her facial injuries occurred and, as Dr Masood was the only person who had been with Ms A, it found, on the balance of probabilities, that it was more likely than not that Dr Masood had physically abused Ms A as set out in the sub-paragraph above. The Tribunal had regard to the other allegations of physical abuse and determined that whilst a facial injury was apparent there was insufficient evidence to show that Dr Masood had either slapped or headbutted Ms A on this occasion. In particular the Tribunal noted that the allegation of headbutting appeared for the first time in Ms A's witness statement of the 13 November 2021. The Tribunal accept that in circumstances where an individual has experienced traumatic abuse there is the potential for a memory to become clearer with the passage of time. However, given the Tribunal's finding of Ms A's tendency to embellish accounts it was not satisfied that the nature of the facial injury was sufficient to show that on the balance of probabilities Dr Masood had headbutted Ms A. Accordingly, the Tribunal found this sub-paragraph of the Allegation proved.

434. In respect of paragraphs 39(a)(i),(ii), (iv) to(ix) of the Allegation, the Tribunal determined that, on the basis of the evidence before it, there was insufficient evidence to show, on the balance of probabilities, that it was more likely than not that Dr Masood had physically abused Ms A as set out. The Tribunal found that the GMC has failed to discharge the burden placed upon it to the requisite standard and the Tribunal found these sub-paragraphs of the Allegation not proved.

Paragraph 39(b)

435. The Tribunal considered whether, on or around XXX Dr Masood abused Ms A sexually, in that he: removed her clothes on one or more occasion; had sexual intercourse with her against her will on one or more occasion; and/or attempted to put his fingers in her vagina and anus when she asked him not to.

436. Ms A described this incident in her witness statement of 13 November 2021:

“The way Dr Masood attacked me seemed beyond humanity, it was like he was an animal hunting and attacking its prey. I could not move. Dr Masood removed my clothing, and then he raped me. When he got up I thought he had removed the flesh from my face. I was scared to look in the mirror.

Later that evening Dr Masood took me into [XXX]. He forcefully removed my clothes, then took me into [XXX] He tried to put his [XXX] fingers into my vagina and I told him not to, [XXX]. Dr Masood said that he was a doctor, and he was not stupid enough to make me disabled or anything. I was so weak, and I was crying, and I didn’t have the power to stop. I asked Dr Masood to stop, but he didn’t. Dr Masood then had sexual intercourse with me, and inserted his fingers into my anus.

Later that evening I took photos of my injuries, which I attach as...

My body was covered in bruises from this attack. I did not want to see myself in the mirror. [XXX]”

437. The Tribunal noted that the photographs of the injuries produced in support of Ms A’s account showed only facial injury. There were no pictures of other parts of Ms A’s body. In addition, the Tribunal noted that Ms A’s first report of this incident, which was referred to in Ms A’s witness statement of 13 November 2021, made no mention of a sexual abuse. In oral evidence, Ms A explained that she had not mentioned it because it had occurred XXX. The Tribunal did not accept this as a credible explanation because the physical abuse also took place XXX but she recorded the event in that statement.

438. Whilst there was evidence that Ms A was physically abused on this occasion, it was insufficient to show that sexual abuse also took place, although the Tribunal had regard to all the circumstances of this paragraph.

439. The Tribunal reminded itself that it was not required to make a finding that something ‘could’ have happened. The standard required is that it was more likely than not that it ‘did’ happen. When dealing with allegations such as these, it was imperative that the Tribunal approach its task by looking at all the evidence in the round and establish whether there was contemporaneous or documentary evidence that supported the alleged acts.

440. Having evaluated the evidence as before, the Tribunal was not satisfied that there was sufficient evidence to show that, on the balance of probabilities, Mr Masood sexually abused Ms A in the manner alleged in paragraph 39(b).

441. The GMC has failed to discharge the burden of proving this paragraph of the Allegation to the required standard. The Tribunal found this paragraph of the Allegation not proved.

Paragraph 40

442. The Tribunal considered whether, on or around XXX, whilst XXX, Dr Masood told her he wanted to have sex with her, or words to that effect, and when she said she did not want to, he abused her sexually in that he: forced her to suck his penis and/or had sexual intercourse with her.

443. In her witness statement dated 13 November 2021, Ms A described the event that led to this allegation:

“On [XXX], Dr Masood [XXX] I went to the bathroom as we had had sexual intercourse the night before. The sexual intercourse was not consensual – Dr Masood came into the room I was in and said he wanted to have sex with me. I said that I did not want to. He forced me to suck his penis and said I had to do it. Dr Masood then had sexual intercourse with me. After this, I wanted to go to the bathroom but Dr Masood told me that [XXX]”

444. Dr Masood denied the allegation.

445. In oral evidence, Ms A explained that, although there were other people XXX in the house in which this abuse was alleged to have taken place, she did not ask for help because they had always ignored her XXX messages for help in the past.

446. As with the other allegations of sexual abuse, Ms A was unable to produce any corroborative evidence. It noted that, very soon after this alleged abuse, Ms A was examined by Dr F who did not record any injury or trauma to her genital area, which might have been present so shortly after an incident of forced intercourse.

447. This was again an allegation that was one person’s word against the other. Although Ms A recounted the same or similar type of sexual activity within each allegation of this nature, the Tribunal did not find that this amounted to similar fact evidence upon which it could place reliance. XXX The Tribunal also noted the timing of this allegation and the subsequent XXX. However, it had regard to Ms A’s oral evidence and the messages sent to Mr H later and found that, notwithstanding the allegations brought before these

proceedings, XXX. The Tribunal reminded itself that the test was not whether this could have happened.

448. The Tribunal had regard to its reasoning as at paragraphs 15, 17 and 18 of the Allegation above and that it was for the GMC to show evidence that proved, on the balance of probabilities, that it was more likely than not that Dr Masood acted in the manner alleged at paragraph 40. The Tribunal found that it had not discharged that burden. The Tribunal found paragraph 40 of the Allegation not proved.

Paragraph 41

449. The Tribunal considered whether Dr Masood's actions as described at paragraphs 5bi1, 5bi2, 5c, 7a, 9a, 15, 17, 18, 24, 31, 33b, 39b and 40 were: sexually motivated and/or carried out without Ms A's consent.

450. The Tribunal has found all of the mentioned paragraphs not proved in its deliberations. As such, paragraph 41 of the Allegation is not proved in its entirety.

Paragraph 42

451. The Tribunal considered whether, on a date between around 18 March 2019 and 10 June 2020, Dr Masood instructed a lawyer to write to Dr F to include the terms set out in Schedule 13, which was designed to interfere with the GMC fitness to practise process by stopping Dr F from providing information in support of the concerns raised by Ms A against him.

452. The Tribunal reminded itself of the written account prepared by Dr F following her examination of Ms A XXX. As part of its investigation into the allegations raised by Ms A, the GMC wrote to Dr F on 10 March 2020 to obtain further information.

453. It was as a result of the GMC investigation that Dr Masood came to know of the content of the account prepared by Dr F. It is his evidence that he was concerned that Dr F was not qualified to prepare a medical report and more importantly he was concerned that in her doing so he might lose his right to practise medicine in Pakistan. His evidence is that it was for these reasons that he contacted lawyers XXX and instructed them to write to Dr F. Dr Masood gave evidence that he had seen the draft letter prepared by his lawyers.

454. The Tribunal noted that the letter from Dr Masood’s lawyers of 10 June 2020 informed Dr F that Ms A was seeking to rely on her document in legal proceedings. The letter sought to challenge Dr F’s professional qualification to produce a medico legal report, which the letter said contained *“concocted and heinous allegations against (Dr Masood)”*

455. The letter asserted that the content of her report contained *“defamatory and libellous information”* and had caused*“severe irreparable miseries and physical mental and societal losses to (Dr Masood)…”*

It further states:

“it has further resulted in subjecting him (Dr Masood) to the aforementioned concocted proceedings initiated by (Ms A) on the strength of the document (produced By Dr F)

The letter goes on to invite Dr F to withdraw the document and produce an *“unambiguous written declaration and issue an unconditional apology to (Dr Masood)”*

It concludes with the following:

“Failure to comply and make the foregoing clarification(s) pertaining to the document, (Dr Masood) will be constrained to invoke his legal rights and initiate necessary actions against you in the Court(s) of law, and requisite medical practitioners regulatory forums, including but not limited to [XXX]”

456. On 22nd June 2020 Ms A notified that GMC that Dr F had received an intimidating letter and the GMC wrote to Dr F to obtain a copy of the same. Dr F’s response of 27 June 2020 was as follows:

“As you are aware, I provided a statement dated [XXX] after examining [Ms A]. My findings, as set out in my statement dated [XXX], were based on my examination of [Ms A] and the history and information she provided to me, which I accepted in good faith.

I have nothing further to add to my statement of [XXX].

I have only recently become aware of the GMC investigation. It was never my intention that the statement I provided [XXX] be part of any investigation you are conducting into Dr Muhammad Rashid Masood’s fitness to practice.

I have received a letter from an advocate [XXX][Mr R], who is acting on behalf of Dr Mohammad Masood. (attached) This advocate has received a copy of my statement dated [XXX], presumably via his client Dr Masood.

This advocate challenges the accuracy of my statement dated [XXX], my qualifications in making the statement, and the validity of my findings. Naturally, the advocate is acting in his client's best interest.

It appears that all parties concerned are seeking to use my statement of [XXX] to further their respective agendas and disputes. These are matters and disputes in which I have no interest and wish to take no part."

457. The Tribunal took account of Dr Masood's witness statement dated 7 November 2022:

"This allegation is denied. I was shocked and distressed when, in the course of the GMC investigation, I received a copy of the report from [Dr F] dated [XXX]. My shock was primarily because the contents of the report were completely untrue. I asked myself why a doctor would produce such a false report. I was aware that in [XXX] a private GP or family physician does not have the authority to write medico-legal reports but that, in some circumstances, such doctors will still do so as a favour or in return for a fee, which is obviously completely inappropriate and unethical. This therefore fuelled my fear that Ms A was trying to destroy me. I am qualified to work in Pakistan as well as the UK and I was frightened that she might be trying to set me up to destroy my prospects of working in Pakistan, as well her attempts to do so in the UK by making this false complaint to the GMC. I therefore sought advice from an advocate of the High Court in Pakistan. My lawyer agreed that my perception that [Dr F] was not authorised to provide a report like this was correct, and he advised me on the appropriate way to address this, which would include as a first step a letter which he would send to her on my behalf. I had no influence over or input into the terms of that letter. When seeking advice from this lawyer and agreeing the way forward, I was not thinking at all about the GMC's investigation. I was thinking about protecting my interests in Pakistan. As soon as I received the GMC's correspondence about the legal letter to [Dr F], and received the advice from my MDDUS lawyer about how this could be perceived, I was dismayed. Without a minute's delay, I contacted the lawyer in Pakistan and instructed him to stop any further action and cease contact with [Dr F]. I had no intention to interfere with the GMC's investigation when I took these steps."

458. Whilst Dr Masood's written evidence was that he had "no influence over or input into the terms of that letter", the Tribunal had regard to Dr Masood's oral evidence. Dr Masood agreed that, while he had no input into the letter, he saw a draft of it before it was sent and gave instruction to the lawyer for it to be sent.

459. The Tribunal found that the letter was written in clear unambiguous terms such that it would be clear to anyone what the purpose of the letter was. The Tribunal noted that, when questioned by Mr Moran, Dr Masood accepted that the content of the letter was threatening and intimidating.

460. The Tribunal did not accept Dr Masood’s explanation for why he had instructed a lawyer to write to Dr F in those terms. It found that given the proximity of the GMC investigation, it was clear that the letter only arose as part of the GMC investigation. The Tribunal determined that it was not credible that Dr Masood did not think about the GMC investigation at the time in question and that he was seeking to protect himself.

461. In all the circumstances, the Tribunal found, on the balance of probabilities, that Dr Masood instructed the lawyer in the manner alleged above and, found this paragraph of the Allegation proved.

Paragraph 43

462. The Tribunal considered whether, on 16 December 2019 at Paisley Sherriff’s Court, following an incident when Dr Masood emotionally abused Ms A on or around 8 October 2017, he was made the subject of an order for absolute discharge in respect of an offence under S38(1) of the Criminal Justice and Licensing (Scotland) Act 2010 - XXX.

463. The Tribunal has had sight of the extract of conviction from the Paisley Sheriff’s Court, which listed the date of conviction as 16 December 2019. The charge description was “*CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010 S38(1) – [XXX]*” and the disposal detail was “*Absolute Discharge*”.

464. Dr Masood was convicted in relation to a single incident on XXX in respect of emotional abuse of Ms A. The Tribunal was not given any detail of the nature or extent of the emotional abuse that took place. The Tribunal was aware that this related to an incident that was overheard by XXX, but he did not give evidence before this Tribunal.

465. Dr Masood stated that he accepted “*that the Sheriff found me guilty at trial but I remain very upset and disappointed about the outcome of that case*”. He had appealed the case, but this appeal was dismissed. Dr Masood stated “*After the conclusion of these GMC proceedings, I intend to explore my options for challenging the court’s decision*”. Mr Buchanan, on Dr Masood’s behalf, said that the basis of the conviction was “*words not actions*”.

466. The Tribunal noted the finding of the Court, that the appeal was dismissed, and no further appeal made. It determined that Dr Masood was made the subject of an order as set out above. Accordingly, the Tribunal found this paragraph of the Allegation proved.

The Tribunal's Overall Determination on the Facts

467. The Tribunal has determined the facts as follows:

That being registered under the Medical Act 1983 (as amended):

1. On one or more occasion between around XXX and XXX, whilst on the telephone to Ms A you abused her emotionally, in that you made one or more of the comments as set out in Schedule 1, or words to that effect.

Not proved

2. On a date around XXX you provided Ms A with a prescription for XXX, which you told her would XXX, or words to that effect, which was untrue.

Not proved

3. You knew that the information you gave to Ms A ~~at~~ as set out at paragraph 2 was untrue, in that XXX is used to XXX and would not XXX.

Amended under Rule 17(6)

Not proved

4. Your actions as described at paragraph 2 were dishonest by reason of paragraph 3.

Not proved

5. During a visit to XXX in or around XXX you:

a. forced Ms A to take XXX;

Not proved

b. on one or more occasion at the location set out in Schedule 2, abused Ms A:

i. sexually, in that you:

1. continued to have sexual intercourse with her, telling her it was your will, or words to that effect despite the fact that she had:

i. asked you to stop;

Not proved

ii. told you she was not in the mood for it and did not want to have sexual intercourse, or words to that effect;

Not proved

iii. tried to physically stop you;

Not proved

2. inserted your thumb and/or finger(s) into her:

1. anus;

Not proved

2. vagina;

Not proved

ii. physically, in that you:

1. grabbed her arm XXX and said “we will talk about this now”, or words to that effect, referencing XXX;

Not proved

2. cupped your hand around her chin and asked her why she was not talking to you, or words to that effect;

Not proved

3. slapped her face;

Not proved

4. pushed her backwards XXX;

Not proved

iii. emotionally, in that you:

1. told her that her job was worth nothing in your eyes;

Determined and found proved

2. XXX;

Not proved

3. told her that you could do whatever you wanted and if she XXX;

Not proved

4. said the words set out in Schedule 3 to her;

Not proved

or words to that effect;

c. XXX, abused Ms A sexually in that you tried to insert your fingers into her vagina and then wanted her to lick your fingers, despite the fact she tried to push you off her and closed her mouth.

Not proved

6. On a date between around XXX and XXX, you abused Ms A:

a. emotionally, in that you:

i. accused her of XXX;

Not proved

ii. demanded XXX;

Not proved

iii. shouted at her aggressively;

Not proved

b. physically, in that after XXX, you slapped her across the face.

Not proved

7. On or around XXX you abused Ms A:

a. sexually, in that you had sexual intercourse with her and failed to stop when she asked you to;

Not proved

b. physically, in that you:

i. grabbed her arms;

Not proved

ii. wrapped her scarf around her neck and tugged on it;

Not proved

iii. held her mouth, telling her not to say a word, or words to that effect.

Not proved

8. On a date after XXX, you abused Ms A emotionally in that you:
- a. checked her:
 - i. mobile phone;
Determined and found proved
 - ii. social media;
Determined and found proved
 - b. told her that she was not beautiful and that she was XXX, or words to that effect;
Not proved
 - c. called her XXX one or more offensive names, including one or more of the names set out in Schedule 4;
Determined and found proved
 - d. XXX;
Not proved
 - e. made one or more offensive comments to her, including one or more of the comments set out in Schedule 5.
Not proved
9. Between around XXX and XXX, you abused Ms A:
- a. sexually, in that on one or more occasion, and despite her trying to stop you, you:
 - i. opened the door XXX;
Not proved
 - ii. bit her body;
Not proved
 - iii. inserted your fingers into her vagina;
Not proved
 - b. emotionally, in that you:
 - i. told her that if XXX, you would take the action set out in Schedule 6;
Not proved

ii. XXX;
Not proved

or words to that effect.

10. On or around XXX you abused Ms A physically, in that you threw XXX at her XXX.

Not proved

11. On or around XXX you abused Ms A physically, in that you:

a. pushed her XXX;
Not proved

b. twisted her arm;
Not proved

c. grabbed her throat and squeezed it;
Not proved

d. slapped her face.
Not proved

12. Between around XXX and XXX you abused Ms A emotionally, in that you snatched a bag out of her hands and threw it across the floor whilst shouting at her.

Not proved

13. On or around XXX, you abused Ms A emotionally in that you shouted at her XXX and said that she was illiterate, or words to that effect.

Not proved

14. On or around XXX, when Ms A asked you XXX, you abused her emotionally in that you told her that she:

a. did not know anything;
Not proved

b. was illiterate;
Not proved

c. XXX;
Not proved

or words to that effect.

15. In or around XXX you abused Ms A sexually, in that you forced her to perform oral sex on you.

Not proved

16. On or around XXX you abused Ms A physically, in that you:

a. grabbed her arm;

Not proved

b. dug your fingernails into her arm;

Not proved

c. dragged her out of a shop;

Not proved

d. threw her into the car.

Not proved

17. In or around XXX, you abused Ms A sexually in that you told her you were in the mood for doing something and when she said she did not want to do anything, or words to that effect, you:

a. removed her clothes;

Not proved

b. got on top of her;

Not proved

c. put lotion on her vagina and buttocks area;

Not proved

d. inserted your fingers into her vagina;

Not proved

e. tried to insert your fingers into her mouth, despite the fact that she tried to stop you and closed her mouth;

Not proved

f. put your fingers into her vagina and anus, despite the fact that she tried to push you away.

Not proved

18. On or around XXX when Ms A asked you about pictures and chat she had seen XXX, you abused her sexually, in that you:

a. pushed her legs;

Not proved

b. got on top of her;

Not proved

c. forced your penis into her mouth, despite the fact she tried to push you away and closed her lips tightly to stop you;

Not proved

d. held your penis and touched it to her lips whilst laughing and saying you would do it again, or words to that effect.

Not proved

19. On or around XXX whilst Ms A XXX, you abused her emotionally in that you shouted and swore at her, asking her what she was doing XXX, or words to that effect.

Not proved

20. On or around XXX you abused Ms A physically, in that you XXX dragged her onto the floor XXX.

Not proved

21. On or around XXX you abused Ms A:

a. emotionally, in that:

i. whilst she was stood by your car XXX you started to shout at her, making one or more of the comments set out in Schedule 8;

Not proved

ii. you made the comments set out in Schedule 9;

Not proved

or words to that effect;

b. physically, in that you opened the car door onto her face, near her right ear.

Not proved

22. On or around XXX, you abused Ms A emotionally in that XXX you said “get out of the room bastard and shut the door”, or words to that effect.

Not proved

23. On or around XXX after Ms A asked you if everything was okay XXX, you started to shout at her and then you abused her physically, in that you:

a. twisted her arm;

Not proved

b. tried to punch her.

Not proved

24. In or around XXX, Ms A told you she was feeling tired and you abused her sexually in that you:

a. inserted your finger into her vagina;

Not proved

b. said “now I am going to do sex with you”, or words to that effect, when she tried to push you away to make you stop;

Not proved

c. refused to stop and inserted your fingers into her:

i. vagina;

Not proved

ii. anus;

Not proved

d. forced her to have sexual intercourse.

Not proved

25. On a date in XXX Ms A told you to XXX, and you abused her:

a. emotionally, in that you:

i. told her you did not like her and would not sleep with her again, or words to that effect;

Not proved

ii. XXX, asking her if she had told anyone about your behaviour, or words to that effect;

Not proved

b. physically, in that you:

i. pushed her out of the room;

Not proved

ii. twisted her arm;

Not proved

iii. slapped her face;

Not proved

iv. put your hands around her neck;

Not proved

v. pulled her scarf around her neck;

Not proved

vi. put your hand over her mouth;

Not proved

vii. dragged her XXX.

Not proved

26. On or around XXX, when Ms A asked you why you had been aggressive with her XXX, you abused her physically in that you:

a. threw one or more items at her, including those set out in Schedule 10;

Not proved

b. grabbed her by the neck;

Not proved

c. pulled and twisted XXX around her neck;

Not proved

d. pushed her onto the floor;

Not proved

e. kicked her in the back;

Not proved

f. tried to throw a chair at her.

Not proved

27. On or around XXX, you abused Ms A physically in that when she asked you about XXX you:

Amended under Rule 17(6)

a. slapped her across the face;

Not proved

b. grabbed her, dragging her XXX when she tried to run out;

Not proved

c. snatched the phone from her hand and XXX when she tried to call XXX.

Not proved

28. On or around XXX or XXX, after driving her to a rural area, you abused Ms A:

a. physically, in that you held her throat tightly;

Not proved

b. emotionally, in that you said you would kill her, or words to that effect.

Not proved

29. On or around XXX, you abused Ms A physically in that XXX after she had sent you messages saying XXX, you slapped her on the back.

Not proved

30. On or around XXX you shouted at Ms A and you abused her physically in that you tried to slap her.

Not proved

31. In or around XXX you abused Ms A sexually, in that you started to remove her clothes and she told you she was not in the mood and feeling weak. Despite this and her trying to stop you, you:

a. took off her clothes;

Not proved

b. started kissing her body very hard;

Not proved

c. kissed her vaginal area;

Not proved

d. said “today you have to suck my penis”, or words to that effect;

Amended under Rule 17(6)

Not proved

e. inserted your penis into her vagina;

Not proved

f. put your thumb and one finger up her anus.

Not proved

32. On or around XXX after Ms A raised the matter set out in Schedule 11, or words to that effect, you abused her physically in that you:

a. slapped Ms A on her back;

Not proved

b. twisted Ms A's arms;

Not proved

c. pushed Ms A XXX;

Not proved

d. held Ms A down XXX;

Not proved

e. shouted at Ms A;

Not proved

f. put your hand over Ms A's mouth, squeezing her cheeks.

Not proved

33. On or around XXX you abused Ms A:

a. physically, in that you:

i. pushed her against the wall;

Determined and found proved

ii. grabbed her arms;

Determined and found proved

iii. put a scarf around her neck in an attempt to suffocate her;

Not proved

iv. put your hand over her mouth;

Determined and found proved

v. put your fingers into her mouth and pulled onto the side of her cheek;

Determined and found proved

vi. pulled the chain she was wearing around her neck;

Determined and found proved

vii. headbutted her on one or more occasion;

Determined and found proved

viii. pinched her nipples;

Not proved

ix. bit her nipples;

Not proved

b. sexually, in that you:

i. XXX and started to:

1. bite her body;

Not proved

2. put your fingers into her vagina;

Not proved

ii. told her that you wanted to have sex with her and when she told you she didn't want to as she was tired and tried to stop you, you:

1. said that she had to do it, or words to that effect;

Not proved

2. XXX;

Not proved

3. took off her clothes;

Not proved

4. put lotion around her genitals;

Not proved

5. tried to open her legs;

Not proved

6. inserted your finger into her vagina;

Not proved

7. inserted your penis into her vagina and had sexual intercourse with her.

Not proved

34. On or around XXX, after an argument, you abused Ms A:

a. emotionally, in that you drove to your workplace where you locked her in the car and left her for around three hours;

Not proved

b. physically, in that you grabbed her by her neck.

Not proved

35. On a date between around XXX and XXX you gave Ms A XXX from XXX which had been prescribed to Mr E.

Not proved

36. On or around XXX, you abused Ms A physically in that you put your hands around her neck.

Not proved

37. On or around XXX you asked Ms A for her phone and when you saw she had taken pictures of injuries she had sustained, you abused her:

a. emotionally, in that you XXX told her that XXX if she did not tell the truth;

Not proved

b. physically, in that you:

i. beat her;

Not proved

ii. slapped and punched her XXX.

Not proved

38. On or around XXX you said that Ms A was accusing you (XXX), or words to that effect, and you abused her:

a. physically in that you:

i. slapped her very hard on the back;

Not proved

ii. dragged her XXX to another room;

Not proved

iii. pushed her to the wall;

Not proved

iv. hit your head on hers;
Not proved

v. grabbed her neck;
Not proved

vi. put your fingers on each side of her mouth and stretched her mouth outwards;
Not proved

b. emotionally, in that you locked her in the car for several hours whilst at your workplace.
Not proved

39. On or around XXX you abused Ms A:

a. physically in that you:

i. threw cold water over her;
Not proved

ii. slapped her face;
Not proved

iii. punched her face;
Determined and found proved

iv. bit her cheek;
Not proved

v. pulled her head/hair;
Not proved

vi. dragged her on the floor;
Not proved

vii. headbutted her;
Not proved

viii. threw her XXX;
Not proved

ix. bit her all over her body;
Not proved

- b. sexually, in that you:
 - i. removed her clothes on one or more occasion;
Not proved
 - ii. had sexual intercourse with her against her will on one or more occasion;
Not proved
 - iii. attempted to put your fingers in her vagina and anus when she asked you not to.
Not proved

40. On or around XXX, you told her you wanted to have sex with her, or words to that effect, and when she said she did not want to, you abused her sexually in that you:

- a. forced her to suck your penis;
Not proved
- b. had sexual intercourse with her.
Not proved

41. Your actions as described at paragraph(s) 5bi1, 5bi2, 5c, 7a, 9a, 15, 17, 18, 24, 31, 33b, 39b and 40 were:

Amended under Rule 17(6)

- a. sexually motivated;
Not proved
- b. carried out without Ms A's consent.
Not proved

42. On a date between around 18 March 2019 and 10 June 2020 you instructed a lawyer to write to Dr F to include the terms set out in Schedule 13, which was designed to interfere with the GMC fitness to practise process by stopping Dr F from providing information in support of the concerns raised by Ms A against you.

Determined and found proved

43. On 16 December 2019 at Paisley Sherriff's Court, following an incident when you emotionally abused Ms A on or around 8 October ~~2019~~ 2017, you were made the subject of an order for absolute discharge in respect of an offence under S38(1) of the Criminal Justice and Licensing (Scotland) Act 2010 – XXX.

Amended under Rule 17(6)

Determined and found proved

And that by reason of the matters set out above your fitness to practise is impaired because of your Misconduct.

To be determined

Determination on Impairment - 18/10/2023

468. The Tribunal now has to decide in accordance with Rule 17(2)(l) of the Rules whether, on the basis of the facts which it has found proved as set out before, Dr Masood's fitness to practise is impaired by reason of misconduct.

The Evidence

469. The Tribunal has taken into account all the evidence received during the facts stage of the hearing, both oral and documentary. In addition, the Tribunal received further evidence as follows:

- Statement from Dr Masood's Responsible Officer (RO);
- Dr Masood's appraisal documentation for years 2020, 2021, 2022 and 2023;
- Dr Masood's patient feedback;
- A number of testimonials submitted on behalf of Dr Masood.

Submissions

Submissions on behalf of the GMC

470. Mr Moran, of Counsel, stated that it was very clear that the Tribunal has spent time and exercised a lot of care when examining the many different charges in this case. He submitted that it is now largely a question of standing back and analysing what it has found proved and how that applies to the questions of misconduct and impairment.

471. Mr Moran submitted that the findings fall into three categories. The first was emotional abuse in respect of paragraphs 5, 8 and 43. Mr Moran submitted that this was very unpleasant behaviour, but that the Tribunal may think it the least serious of the matters that have been found proved. He submitted that although it was a matter for the Tribunal, it was suggested that the Tribunal did not need to decide whether, the emotional abuse on its own, would amount to misconduct as it was concerned with the overall course of conduct here.

472. The second is physical abuse. XXX Mr Moran submitted that Dr Masood was not here to answer for a one-off loss of temper, but for repeated violence involving significant force resulting in some injury being sustained.

473. In respect of paragraph 33 of the Allegation, Mr Moran submitted that the Tribunal will need to consider the lapse of time since the incidents found proved occurred which was XXX Mr Moran submitted that this was a relatively sustained incident and not a momentary loss of temper. Further, it included a variety of different ways in which Ms A was physically abused, including most seriously, headbutting her. This was not just once, but in the words of the charge that has been found proved, more than once. Mr Moran submitted that this is very serious misconduct regardless of the level of injury that was sustained as it is often a matter of good or ill fortune as to the level of injury that an act of violence results in.

474. Mr Moran submitted that there might be people who XXX, who are then shocked at what they have done, and having reflected never repeat it. He submitted that this is not the case here because there is paragraph 39 of the Allegation that happened XXX later XXX. Mr Moran stated that the Tribunal have to be faithful to the nuanced findings that it has arrived at in relation to that paragraph, and that incident generally. He said that it was another incident XXX consisting of a punch to Ms A's face which the GMC submits is also serious misconduct, XXX.

475. The third is the attempt to interfere in the fitness to practise process by instructing a lawyer to send the intimidating and threatening letter to a potential witness; this he says seriously compounds the original misconduct. Mr Moran submitted that Dr Masood knew Dr F was a potential corroborating witness in relation to one of the most serious allegations against him which was the incident in XXX. This was when he was alleged to have seriously, physically and sexually assaulted Ms A. Mr Moran suggested that the Tribunal may conclude that the seriousness of the allegation in respect of that incident and the jeopardy it placed him in may explain why he went to such lengths to try and head off the possibility of anybody providing evidence in support of it. Mr Moran submitted that it was a particularly threatening and intimidating letter which was accepted by Dr Masood.

476. Mr Moran referred the Tribunal to Good Medical Practice (2013) ('GMP'), in particular paragraphs 65 and 73 which the GMC submit are engaged in this case.

477. Mr Moran submitted that in all the circumstances, Dr Masood’s fitness to practise is impaired.

Submissions on behalf of Dr Masood

478. Mr Buchanan, of Counsel, confirmed that he did not intend to make submissions on behalf of Dr Masood at this stage of the proceedings

The Relevant Legal Principles

479. The Tribunal reminded itself that at this stage of proceedings, there is no burden or standard of proof and the decision of impairment is a matter for the Tribunal’s judgement alone.

480. In approaching the decision, the Tribunal was mindful of the two stage process to be adopted: first whether the facts as found proved amounted to misconduct, and that the misconduct was serious, and then whether the finding of that misconduct, which was serious, could lead to a finding of impairment.

481. The Tribunal must determine whether Dr Masood’s fitness to practise is impaired today, taking into account Dr Masood’s 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

Misconduct

482. The Tribunal considered whether Dr Masood’s actions found proved, amount to misconduct.

483. The Tribunal has considered each of the allegations in turn when assessing the seriousness of the conduct found proved.

484. In respect of the findings of emotional abuse, the Tribunal had regard to the context in which this took place XXX The Tribunal find the nature and tone of the language used by Dr Masood in the message exchanges with Ms A were unpleasant and demeaning, XXX. The

Tribunal also had regard to the charge brought against Dr Masood under S38(1) of the Criminal Justice and Licensing (Scotland) Act 2010 – XXX for which he was given an Order of Absolute Discharge. The Tribunal noted that Mr Moran had confirmed that the giving of an Order for Absolute Discharge was the lowest sentence that could be imposed and confirmed that an allegation of emotional abuse to which this related was in connection with an incident of emotional abuse of Ms A on or around XXX.

485. The Tribunal was of the view that the emotional abuse, whilst obviously distressing for Ms A, was relatively low level. The Tribunal noted the definition of misconduct, namely that it must be serious, and while Dr Masood’s behaviour was inappropriate, it was not sufficient to meet this definition of serious misconduct.

486. In terms of the physical abuse, found proved, the Tribunal considered that its findings that Dr Masood had physically abused Ms A on two separate occasions during which she sustained injuries from being pushed against a wall, her arms being grabbed and being headbutted and punched in her face was conduct that was, unacceptable in any circumstances, save perhaps for when acting in self-defence. The Tribunal also accepted Mr Moran’s submission that the fact that the physical abuse XXX was an aggravating factor XXX.

487. The Tribunal determined that Dr Masood’s conduct in this regard was not conduct that would meet the requirement of paragraph 65 GMP and had the clear potential to bring the profession into disrepute. In addition, the Tribunal were of the view that fellow practitioners would find that his conduct was deplorable and not befitting of a medical practitioner.

488. The Tribunal also had regard to its findings in respect of Dr Masood’s conduct in which he instructed a lawyer to write to Dr F in the strongest terms to deter her from giving information to the GMC during the course of its investigation into Dr Masood. The Tribunal found that this was an interference with the GMC fitness to practise process. The Tribunal was of the view that by his actions Dr Masood also demonstrated a disregard for the role and responsibility of his Regulator in accordance with the overarching objective. The Tribunal found this conduct to be a clear breach of paragraph 73 of GMP. It was misconduct that was serious.

489. In terms of the areas found to be misconduct, the Tribunal has concluded that Dr Masood’s conduct fell so far short of the standards of conduct reasonably to be expected of a doctor as to amount to serious misconduct.

Impairment by reason of misconduct

490. The Tribunal, having found that the facts found proved amounted to misconduct, went on to consider whether Dr Masood's fitness to practise is currently impaired by reason of his misconduct.

491. The Tribunal had regard to *CHRE v NMC and Paula Grant [2011] EWHC 927 (Admin)* and was satisfied that limbs a, b and c were engaged. It considered that this was conduct that was capable of remediation. It then went on to consider whether since the events had taken place the conduct had been remediated.

492. The Tribunal had regard to the many positive testimonials provided on Dr Masood's behalf, which spoke of his clinical and personal character traits. The testimonials were from various individuals, including professional colleagues and neighbours. In addition, the Tribunal had regard to Dr Masood's appraisals. It noted that it was reported within the appraisals that Dr Masood had openly and extensively discussed the GMC investigation at each appraisal and the effect the delay was having upon him. However, the only reference to the nature of the allegations was that the investigation was, 'due to an issue with [XXX]'. The Tribunal also had regard to Dr Masood's oral and written evidence in which he accepted that the content of the letter to Dr F was threatening and intimidating. Whilst Dr Masood had demonstrated on this occasion a disregard for the role of his Regulator in breach of paragraph 73, he has since then shown an appropriate level of recognition for the role of his Regulator and, according to his appraisal documentation, complied with the conditions placed upon his registration. Further, he has engaged fully with these proceedings.

493. With regard to insight, the Tribunal noted that Dr Masood had denied the allegation throughout as, of course, is his right. Whilst he accepted that he had instructed the lawyer to write to Dr F, he sought to excuse his behaviour and rely on reasons other than the GMC investigation to explain why he did it. He also accepted that he had a conviction against him as set out above, but did not accept that the decision was correct. In oral evidence and when presented with indisputable facts Dr Masood did accept that the language he used to Ms A was unacceptable and he expressed shame in respect of the same. Whilst the Tribunal have not found the emotional abuse to have amounted to serious misconduct it is nonetheless relevant to the context in which these allegations have arisen. Dr Masood has not demonstrated any insight into how his behaviour in his personal life may have resulted in him coming before his regulator or evidence of steps he may have taken to further understand how his behaviour may impact on others including the public and the profession. In respect

of the emotional and physical abuse, Dr Masood has not produced any evidence of remediation.

494. Having considered the issue of impairment in the round, the Tribunal found that, although there was some evidence of insight it was not satisfied that it was developed to an extent that would lead it to find that there was little risk of repetition. In reaching this conclusion the Tribunal had regard to the fact that there was no evidence of repetition in the intervening XXX years.

495. In all the circumstances, the Tribunal concluded that a finding of impaired fitness to practise was required in order to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct of that profession. The Tribunal determined that a member of the public would consider that a finding of impairment should be made in a case such as this.

496. The Tribunal has therefore determined that Dr Masood's fitness to practise is impaired by reason of misconduct.

Determination on Sanction - 20/10/2023

497. Having determined that Dr Masood's fitness to practise is impaired by reason of misconduct, the Tribunal now has to decide in accordance with Rule 17(2)(n) of the Rules on the appropriate sanction, if any, to impose.

The Evidence

498. The Tribunal has taken into account evidence received during the earlier stages of the hearing where relevant to reaching a decision on sanction.

Submissions

Submissions on behalf of the GMC

499. Mr Moran, of Counsel, submitted that the appropriate sanction in this case was one of erasure. He referred the Tribunal to the Sanctions Guidance (16 November 2020) ('the SG') and submitted that whilst the Tribunal must consider all of the options available to it, in light

of the circumstances of this case, the question really is whether suspension or erasure is the appropriate sanction.

500. XXX Mr Moran submitted that the SG is not intended to provide for every possible factual scenario and that where lists of examples are given these are intended to be non-exhaustive. Mr Moran submitted that Tribunal should use its discretion when imposing a sanction and it is open to it to consider such other factors as they consider necessary and proportionate.

501. Mr Moran stated that the GMC's sanction submission of erasure rests largely on the Tribunal's findings as a whole, which are so serious that nothing less than erasure will do. Mr Moran submitted that this is not a case where there is a risk to patient safety and that there is an impressive body of evidence about Dr Masood's performance as a doctor. In addition, there are also personal references which attest to a better side to his character than was revealed in these proceedings. However, neither of those things are 'trump cards' that prevent the Tribunal from making an order for erasure.

502. Mr Moran referred the Tribunal to paragraphs 17 and 21 of the SG which fall under the heading, 'Maintaining public confidence in the profession' as follows:

17 Patients must be able to trust doctors with their lives and health, so doctors must make sure that their conduct justifies their patients' trust in them and the public's trust in the profession (see paragraph 65 of Good medical practice). Although the tribunal should make sure the sanction it imposes is appropriate and proportionate, the reputation of the profession as a whole is more important than the interests of any individual doctor.

...

21 However, once the tribunal has determined that a certain sanction is necessary to protect the public (and is therefore the minimum action required to do so), that sanction must be imposed, even where this may lead to difficulties for a doctor. This is necessary to fulfil the statutory overarching objective to protect the public.

503. Mr Moran stated that the GMC recognise that there are mitigating features that the Tribunal may wish to consider such as the lapse of time (paragraph 25(e) of the SG). Mr Moran submitted that the Tribunal will also need to consider the issues of insight and remediation. In relation to this, he submitted that the GMC rely on Tribunal's findings that it has made in relation to stage 2 of these proceedings. Whilst the Tribunal has referred to

there being some insight in relation to the most serious findings, he submitted that there is little, if any, insight and remediation.

504. In respect of Dr Masood's denial of the Allegation, Mr Moran submitted that some caution is required in relation to the question or extent to which, if at all, the Tribunal could and should have regard to the same in respect of those parts of the Allegation found proved. Mr Moran referred the Tribunal to the case of *Sawati v GMC [2022] EWHC 283 (Admin)* whilst accepting the limitations of that authority in cases that do not involve dishonesty. He stated that the extent to which it is relevant and helpful on the facts of this particular case is a matter for the Tribunal. He submitted that the Tribunal would need to exercise caution in expecting Dr Masood, in the face of his previous denial, to now admit all those matters found proved, which would amount to something of a volte face. That does not mean, however, he submitted, that the Tribunal cannot consider and conduct a broader examination of the levels of insight and remediation and his apparent attitude to the misconduct that has been proved. This, he reminded the Tribunal, is something that it has already done at stage 2.

505. Mr Moran stated that, as is discussed in *Sawati*, there are cases where a doctor could maintain a denial of misconduct but still nevertheless be able to show insight. Mr Moran submitted that the GMC's position is that this is not the case here. He submitted that Dr Masood could have, but has chosen not to give any further evidence, written or oral, that might go to the issue of insight. What he has done is provided a large number of impressive testimonials. Mr Moran reminded the Tribunal of paragraph 39 of the SG which will assist the Tribunal when considering any references or testimonials. Mr Moran stated that the tribunal should consider whether the testimonials are relevant to the specific findings. Mr Moran submitted that the GMC questions many of the testimonials provided being relevant to the specific findings that the Tribunal has made as they relate to conduct in Dr Masood's personal not professional life to which the testimonials largely speak. Mr Moran referred the Tribunal to paragraph 56 of the SG in particular 56(d).

506. Mr Moran submitted that in relation to suspension paragraphs 92 and 97(f) and (g) of the SG are particularly relevant. Mr Moran referred the Tribunal to the fact that there had been no evidence of repetition of similar behaviour since the index events, 97(f), and that the lapse of time, is a relevant factor to consider. However, he submitted that the GMC does not accept that 97(g) is applicable as it would be difficult to come to a conclusion favourable to Dr Masood where this is repeated conduct, and he does not accept the misconduct in question. Mr Moran also reminded the Tribunal of its finding at stage 2 in relation to the risk of repetition.

507. Mr Moran stated that in relation to erasure, paragraphs 107, 108 and 109 of the SG were relevant and reminded the Tribunal of the high threshold for imposing an order of erasure reminding it that erasure must be the only means of protecting the public. Mr Moran submitted that in this case there is not just one instance of violence, but repeated violence and that is particularly more serious because XXX. Further, that that violence is significantly aggravated by the fact that Dr Masood tried to interfere with the investigation, not just the investigation in general terms, but the investigation into that violent conduct. Whilst that interference is a separate type of misconduct, it does directly relate to the violence and is linked to it. Mr Moran submitted that it is for those reasons the GMC submit that the only appropriate sanction is erasure.

Submissions on behalf of Dr Masood

508. Mr Buchanan, of Counsel, accepted the GMC's submission that the relevant sanctions for consideration by the Tribunal are suspension or erasure. Mr Buchanan explained, that anything he was about to say, on behalf of Dr Masood, was not intended in any way to minimise the conduct found proved and the decision that the conduct was unacceptable in any circumstances. He stated that Dr Masood had acknowledged this at stage 2 by his decision not to make submissions, therefore allowing the Tribunal to reach its own decision without challenging the very fact that the proved conduct amounted to serious misconduct. He said that there was no attempt by Mr Masood to make any unrealistic submissions as to the nature of the offending conduct.

509. Mr Buchanan referred the Tribunal to paragraph 97 (e) of the SG. He submitted that there is nothing to suggest, or more accurately, no evidence that demonstrates remediation is unlikely to be successful. Especially when one reads all the testimonial and appraisal evidence about Dr Masood from his referees and elsewhere. He submitted that this evidence all demonstrates that remediation is likely to be successful. Mr Buchanan submitted that Dr Masood has some insight and does not pose a significant risk of repeating behaviour. However, it was not sought to argue that there was fully developed insight but there was a foundation of insight upon which Dr Masood could build.

510. Mr Buchanan reminded the Tribunal of its findings that it was 'not satisfied that the insight was developed to an extent that would lead it to find that there was little risk of repetition'. He stated that he did not seek to argue this point, but he submitted that this is rather different from a finding that Dr Masood 'poses a significant risk of repeating

behaviour’. Mr Buchanan submitted that this has been demonstrated by Dr Masood in the XXX years prior to the findings against him. Mr Buchanan submitted that there has been no allegation of any kind of misbehaviour whatsoever, XXX. He submitted that the SG plainly contemplates that even in a case such as this, suspension is an appropriate sanction.

511. Mr Buchanan submitted that a period of suspension would afford Dr Masood the opportunity to reflect upon the conduct found proved, to develop full and proper insight, and to produce evidence of remediation.

512. In respect of the case of *Sawati*, Mr Buchanan agreed with Mr Moran’s submission that there is a difficulty facing a registrant in terms of demonstrating insight and/or remediation in the immediate aftermath of findings against him. Mr Buchanan acknowledged that Dr Masood has not, in written or oral form, presented evidence to the Tribunal addressing those issues, but submitted that had he done so, the GMC’s almost certain response would have been to say that this was a complete volte face.

513. Mr Buchanan submitted that the better approach was that the Tribunal having made the findings that it has, that is to say, there was some evidence of insight, was to afford Dr Masood the opportunity to reach a fully developed insight and to provide compelling evidence of remediation.

514. Mr Buchanan submitted that within the testimonials there are those who know Dr Masood well, both personally and professionally, and who speak of him in the most positive terms. He submitted that this does not necessarily mitigate the conduct that has been found proved, but, the content of his appraisals, the testimonials and the report of his Responsible Officer do provide the Tribunal with some evidence of what sort of individual he is. Mr Buchanan reiterated that from the hugely positive observations that are made about Dr Masood there is a proper foundation upon which the Tribunal can have confidence that there will be, in time, no risk whatsoever of the repetition of the sort of conduct found proved.

515. Mr Buchanan referred the Tribunal to its findings at stage 2, that Dr Masood had openly and extensively discussed the GMC investigation at each appraisal along with the effect the delay had upon him. However, the only reference to the nature of the allegations was that the investigation was due to an issue with Ms A. Mr Buchanan stated that he took no issue with that because that is plainly right. However, he invited the Tribunal to consider the way in which Dr Masood approached a number of individuals who have subsequently given testimonial evidence. Mr Buchanan referred in particular to Dr S who was a partner in the practice at which Dr Masood practiced over a protracted period of time. She says ‘*He has*

been nothing but open and honest with me about his circumstances with regards to [Ms A]. Shortly after he became aware of the police investigation that was to take place, he informed me of the situation fully, openly and honestly and kept me up to date with all developments. I think this speaks volumes as to his character. This was prior to him being informed of these GMC proceedings and he was willing to be open about something which may have made me reconsider his position within the practice, despite there being no formal charges brought or GMC input at this time... I have never felt uncomfortable around him and have never seen or heard any behaviour that could be considered sexually inappropriate in any way. Mr Buchanan submitted that the reference to sexually inappropriate behaviour, must on its face, indicate that Dr Masood had shared the fact that the allegations against him included allegations of sexually inappropriate conduct.

516. Mr Buchanan submitted that the testimonial evidence demonstrated that Dr Masood is a highly capable clinician who provides an enormously valuable service to the community, and who in patient feedback forms, that the Tribunal have reviewed, think very highly of him. Mr Buchanan stated that it may or may not be clear from the testimonial evidence that in fact, between Wednesday and Friday, at the GP surgery that Dr Masood works, he is effectively the sole practitioner. Therefore, he submitted that there would be a knock-on effect upon the wider community if Dr Masood were to be erased.

517. Mr Buchanan asked the Tribunal to consider that Dr Masood had worked throughout the coronavirus pandemic and the Tribunal could well imagine the stresses and strains of working throughout that period. He did this, Mr Buchanan submitted, with the full weight of the GMC proceedings upon him. Mr Buchanan stressed that there was no complaint about the way in which this process has occurred, but that there has been a significant delay, not least in part because of the COVID-19 pandemic. He submitted that, as the Tribunal will most likely appreciate and understand, Dr Masood endured a lot of anxiety and stress facing a total of 43 allegations, with a number of those now having been found not proved.

518. Mr Buchanan submitted that when one deals with offences of violence, there is plainly a scale, ranging from violence which causes death or serious bodily injury (grievous bodily harm, for example). It was his submission that what was done here was wholly unacceptable, but as the Tribunal have observed in its stage 1 determination, the injuries in fact caused, were not of the most serious kind. This is not to say it is not a serious case, but to emphasise that in the SG reference to violence, plainly there is a scale and the violence in this case falls towards the less serious end of that scale.

519. Mr Buchanan stated that Dr Masood XXX. Were he to be unable to practise either permanently or for a protracted period of time, there would be significant hardship, not only for him, but for the wider family.

520. Mr Buchanan submitted that Dr Masood is not a practitioner in whom the Tribunal should find there is no hope for the future and it would be appropriate to deal with this case by way of suspension.

Relevant Legal Principles

521. The decision as to the appropriate sanction to impose, if any, is a matter for this Tribunal exercising its own judgement.

522. In reaching its decision, the Tribunal has taken account of the SG and GMP. It has borne in mind that the purpose of a sanction is not to be punitive, but to protect patients and the wider public interest, although it may have a punitive effect.

523. Throughout its deliberations, the Tribunal has applied the principle of proportionality, balancing Dr Masood's interests with the public interest. It has also taken into account the statutory overarching objective.

524. The Tribunal has already given detailed determinations on facts and impairment and has taken those matters into account during its deliberations on sanction.

Mitigating factors

525. The Tribunal had regard to the fact that Dr Masood had been working as a medical practitioner in the UK since 2003 and did not have any previous record of coming before his Regulator. It further had regard to the many positive testimonials received and the content of the appraisals and patient feedback results, all of which demonstrate that Dr Masood is a competent and conscientious doctor. He is also extremely well thought of by patients and held in high regard by colleagues, some of whom have known him for a considerable number of years. There has been a significant lapse of time since the index events occurred and throughout that time there has been no evidence of any repetition of the conduct found proved or any other conduct that might have given rise to a complaint.

Aggravating factors

526. Whilst the Tribunal were mindful of the fact that Dr Masood has the right to deny the Allegation, it considered that Dr Masood's lack of insight was an aggravating factor. It found this because Dr Masood had been aware of his wrongdoing in instructing a lawyer to write to Dr F since it was brought to his attention by his defence team lawyers in 2020. However, there is no evidence that Dr Masood has taken any steps or developed any insight into the impact of his actions in respect of this part of the Allegation. Whatever he may have relied on as his reason for instructing the lawyer, as set out previously and which was not accepted by the Tribunal, the consequence of his actions was that Dr F refused to engage further with the GMC investigation. This in turn resulted in the Tribunal being denied the opportunity to test the evidence in order to enable it to place an accurate level of weight on the record of Dr F's consultation with Ms A. In addition, whilst Dr Masood denied all the allegations of abuse, he had not taken any steps, nor shown any evidence of understanding, as to why he may have come to have found himself before his Regulator regarding these matters, and particularly in light of the fact of the finding of the Sheriff's Court in Scotland.

527. A further aggravating factor to Dr Masood's interference with the GMC investigation was his lack of apology or remorse for doing so.

528. XXX

The Tribunal's Determination on Sanction

529. The Tribunal considered each sanction in ascending order of seriousness starting with the least restrictive.

No action

530. In reaching its decision as to the appropriate sanction, if any, to impose in this case, the Tribunal first considered whether to conclude the case by taking no action.

531. The Tribunal determined that there were no exceptional circumstances to justify taking no action in this case and that to do so would be insufficient and inappropriate in light of the gravity of Dr Masood's misconduct.

Conditions

532. The Tribunal next considered whether it would be appropriate to impose conditions on Dr Masood’s registration. It bore in mind that any conditions imposed should be appropriate, proportionate, workable and measurable.

533. The Tribunal determined that the imposition of conditions on Dr Masood’s registration would be inappropriate and disproportionate given the seriousness and nature of his misconduct. Furthermore, it could not identify conditions which would be workable in addressing the misconduct in question. Given the nature of Dr Masood’s misconduct, a period of conditional registration would not protect public confidence in the medical profession or uphold proper standards of conduct and behaviour.

Suspension

534. The Tribunal then went on to consider whether imposing a period of suspension on Dr Masood’s registration would be appropriate and proportionate.

535. The Tribunal acknowledged that suspension has a deterrent effect and can be used as a signal to the doctor, the profession, and to the public about what is regarded as behaviour unbecoming a doctor.

536. The Tribunal had regard to any factors in this case that may indicate that suspension may be an appropriate sanction. including particularly paragraphs 92, 97(a), (e), (f) and (g), which indicate circumstances in which it may be appropriate to impose a sanction of suspension and which state:

‘92 Suspension will be an appropriate response to misconduct that is so serious that action must be taken to protect members of the public and maintain public confidence in the profession. A period of suspension will be appropriate for conduct that is serious but falls short of being fundamentally incompatible with continued registration ... (ie for which erasure is more likely to be the appropriate sanction because the tribunal considers that the doctor should not practise again either for public safety reasons or to protect the reputation of the profession).

‘97 Some or all of the following factors being present ... would indicate suspension may be appropriate.

‘a. A serious breach of Good medical practice, but where the doctor’s

misconduct is not fundamentally incompatible with their continued registration, therefore complete removal from the medical register would not be in the public interest. However, the breach is serious enough that any sanction lower than a suspension would not be sufficient to protect the public or maintain confidence in doctors.

...

e. No evidence that demonstrates remediation is unlikely to be successful, eg because of previous unsuccessful attempts or a doctor's unwillingness to engage

f. No evidence of repetition of similar behaviour since incident.

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

537. The Tribunal had regard to its findings at stage 2 in respect of insight. In doing so it had regard to the overall picture in respect of this case. Whilst Dr Masood had the right to deny the Allegation against him, the Tribunal was concerned that Dr Masood has continually failed to acknowledge or take any responsibility for the part he has played in coming before his Regulator. In particular, his actions which resulted in Dr F refusing to further engage in the GMC investigation and his conviction before the Sheriff's Court in Scotland, both of which were indisputable facts. The Tribunal reminded itself that it was not its role to go behind the finding of the Sheriff's Court in Scotland to determine whether or not Dr Masood should have been found to have carried out the alleged conduct that formed the basis of those proceedings, but rather it is required to accept the conviction itself, unless there is dispute as to the identity of the defendant in those proceedings. His conviction in the Sheriff's Court was 16 December 2019, and he became aware of his wrongdoing in respect of Dr F in 2020. Since that time he has not addressed either of those matters in respect of the role he played and the consequences of the same. The extent of his insight is that he accepted that the letter to Dr F that was sent on his instruction was threatening and intimidating and he has expressed shame for the language used in the message exchanges with Ms A. Whilst he instructed his lawyers to take no further action against Dr F, the Tribunal note that he did not instruct his lawyer to write a letter of retraction nor apologise for the consequences of his actions. XXX In the circumstances the Tribunal finds that the doctor has an extremely poor level of insight. Whilst it expressed the evaluation of the risk of repetition in a different way at Stage 2, in making a finding that it could not find that there was a low risk of repetition, that is not in contradiction to the fact that his level of insight does pose a significant risk of repeating his behaviour. Although there has been no repetition of

behaviour in the last six years, it may be that there has been no occasion in which Dr Masood has been in a situation where he felt he had need to protect his own interests as he had done in respect of the report of Dr F.

538. Dr Masood has not taken any steps to address how his conduct breached parts of Domain 4 of GMP, nor demonstrated any understanding or acceptance of why, when he was subject to an investigation by his Regulator into serious allegations of physical and sexual abuse, he should not have instructed a lawyer to threaten a fellow medical practitioner and potential witness in that investigation, to withdraw her evidence and issue a retraction and apology.

539. The Tribunal was mindful that there was no evidence before it that demonstrated that remediation was unlikely to be successful because it had failed in the past. Additionally, Dr Masood had shown his willingness to participate fully in the appraisal process and engage with his Regulator in these proceedings. However, given the period of time during which Dr Masood had the opportunity to develop insight and take steps to remediate those parts of his conduct set out above, the Tribunal find this demonstrates an unwillingness to do so, especially as he would have been aware that such evidence would have been beneficial in these proceedings.

540. The Tribunal also had regard to the nature of the conduct found proved. XXX. It had regard to Mr Buchanan's submission that this was violence that was at the lower end of the scale and whilst unacceptable should be viewed accordingly given the nature of the injuries sustained. Whilst such submissions may be relevant in criminal charges, the Tribunal find they carry less weight in circumstances such as this as they take no account of the psychological impact XXX. The fact that Ms A's physical injuries were not serious is to her benefit.

541. It further noted the allegation of interfering with the GMC investigation. The Tribunal found that the role of the GMC in carrying out its regulatory function is an integral part of maintaining public confidence in the profession and protecting the reputation of the profession. The public need to have confidence that when a doctor is subject to complaints, the GMC will be allowed to investigate such complaints without the doctor being able to ensure that evidence is withheld or witnesses deterred from giving evidence. This gives the public the confidence that a thorough process will be followed and a doctor's fitness to practise will be carefully examined. The Tribunal was in no doubt from the wording of the letter that was sent to Dr F by Dr Masood's lawyer, that it was done with the express intention of making her withdraw her evidence. The Tribunal find that this is conduct that is incompatible with continued registration. Whilst the Tribunal find it is remediable it has not been remedied and the Tribunal find that the doctor's failure to take any

steps to remediate in the time that has been available to him as set out above, is evidence of an unwillingness to engage.

542. In these circumstances the Tribunal was satisfied that a sanction of suspension would be inappropriate and insufficient to mark the gravity of the misconduct and protect public confidence in the medical profession or uphold proper standards of conduct and behaviour.

Erasure

543. Having considered the whole of the SG in relation to erasure, for the reasons set out above, the Tribunal was of the view that paragraphs 109 (a), (b), (d) and (g) of the SG were particularly relevant in Dr Masood's case:

109 Any of the following factors being present may indicate erasure is appropriate...

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

b. A deliberate or reckless disregard for the principles set out in Good medical practice and/or patient safety.

d. Abuse of position/trust (see Good medical practice, paragraph 65: 'You must make sure that your conduct justifies your patients' trust in you and the public's trust in the profession')

g. Offences involving violence.

544. The Tribunal had regard to the many positive testimonials and comments about Dr Masood and the fact that he was clearly a good doctor who was held in high esteem by both patients and colleagues. It also had regard to the impact that a sanction of such severity as erasure would have upon both him and his family. However, it is not Dr Masood's clinical practice or his relationship with work colleagues that has brought him before his Regulator. It is his conduct that has not been in accordance with paragraphs 65 or 73 of GMP and the gravity of the same. Even if there is no risk to patient safety, the public must be able to have confidence in the mechanisms in place to ensure that a doctor is fit to practise, which in turn will uphold the reputation of the profession. By his actions Dr Masood has seriously

undermined that confidence and has given no indication of any recognition of nor intention to ensure he does not do so again in the future.

545. The Tribunal determined the only appropriate and proportionate sanction in this case was one of erasure. Only a sanction of erasure was sufficient to promote and maintain public confidence in the medical profession, and to uphold proper professional standards and conduct for members of the profession.

Determination on Immediate Order - 20/10/2023

546. Having determined to erase Dr Masood's name from the Medical Register, the Tribunal has considered, in accordance with Rule 17(2)(o) of the Rules, whether Dr Masood's registration should be subject to an immediate order.

Submissions

Submissions on behalf of the GMC

547. Mr Moran, submitted that an immediate order was necessary. He referred the Tribunal to the relevant paragraphs of the SG, in particular 172, 173, 175, 176 and 178.

548. Mr Moran reminded the Tribunal that doctors are aware that this is a possible outcome and will have had time to make arrangements for the care of patients before the hearing. In any event, a doctor's employers are also notified, and they have a duty to make sure that appropriate arrangements are in place for the care of patients should an immediate order be imposed.

549. Mr Moran stated that there was an interim order made at one stage, however, this has now lapsed.

Submissions on behalf of Dr Masood

550. Mr Buchanan, of Counsel, reminded the Tribunal that Dr Masood is effectively a single-handed practitioner between Wednesdays and Fridays, and alternative arrangements will have to be put in place. Otherwise, there will be what is anticipated to be a serious knock-on effect upon the patient group in terms of safety. He also reminded the Tribunal of the passage of time since the matters found proved were committed.

The Tribunal's Determination

551. In reaching its decision, the Tribunal exercised its own judgement and took into account the principle of proportionality. The Tribunal had regard to the submissions and to the guidance contained within the SG at Paragraphs 172, 173, 175, 176 and 178.

552. The Tribunal noted that it should only impose an immediate order if it determines it is necessary to protect members of the public, or is otherwise in the public interest, or is in the interests of the doctor.

553. The Tribunal balanced the interests of Dr Masood against those of the public and determined that given the gravity of the conduct found by the Tribunal imposing an immediate order of suspension was necessary in this case to maintain public confidence in the medical profession and to uphold proper professional standards and conduct for members of the medical profession. For the avoidance of doubt the Tribunal found that there was no element of needing to protect patient safety in this case.

554. In all the circumstances, the Tribunal determined to impose an immediate order of suspension on Dr Masood's registration.

555. This means that Dr Masood's registration will be suspended from today. The substantive direction, as already announced, will take effect 28 days from the date on which written notification of this decision is deemed to have been served, unless an appeal is made in the interim. If an appeal is made, the immediate order will remain in force until the appeal has concluded.

556. That concludes this case

ANNEX A - 16/10/2023

Application to amend the Allegation

557. This determination will be read in private. However, as this case concerns Dr Masood's fitness to practise, a redacted version will be published at the close of the hearing with those private matters redacted.

558. On 20 February 2023 Mr Moran, Counsel on behalf of the GMC, made an application under Rule 17(6) of the General Medical Council (GMC) (Fitness to Practise Rules) 2004 as amended ('the Rules'), which states:

*“Where, at any time, it appears to the Medical Practitioners Tribunal that—
(a) the allegation or the facts upon which it is based and of which the practitioner has been notified under rule 15, should be amended; and
(b) the amendment can be made without injustice,
it may, after hearing the parties, amend the allegation in appropriate terms.”*

Submissions

559. Mr Moran asked the Tribunal to make the follow amendments to the Allegation:

“27. On or around [XXX], you abused Ms A physically in that when she asked you about [XXX] you: ...

41. Your actions as described at paragraph(s) 5bi1, 5bi2, 5c, 7a, 9a, 15, 17, 18, 24, 31, 33b, 39b and 40 were: ...

43. On 16 December 2019 at Paisley Sherriff's Court, following an incident when you emotionally abused Ms A on or around 8 October ~~2019~~ 2017, you were made the subject of an order for absolute discharge in respect of an offence under S38(1) of the Criminal Justice and Licensing (Scotland) Act 2010 – [XXX].”

560. Mr Moran submitted that these amendments would properly reflect the content of the witness statement.

561. Mr Buchanan, Counsel on behalf of Dr Masood, stated that the amendments were accepted.

Tribunal's Decision

562. The Tribunal noted the submissions of the parties and Rule 17(6) of the Rules. It understood the corrections proposed. The Tribunal was of the view that the amendments could be made without injustice. The Tribunal determined to grant the GMC's application for the amendment of paragraphs 27, 41 and 43 of the Allegation.

Schedule 1

You're a woman who is a sister fucker
You are a bitch
Get sit on my penis
XXX
Fuck you

Schedule 2

XXX

Schedule 3

XXX

Schedule 4

Bitch
Baster
XXX
XXX
Sister fucker
Motherfucker
Prostitute
Sister's cunt

Schedule 5

I need to fuck your sister
how would you feel if I fucked your mum
I will fuck your father
Go back into your mother's vagina
Get on my dick

Schedule 6

XXX

Schedule 7

XXX

Schedule 8

You told her to stop contacting XXX, stop wearing makeup and that XXX were ugly and dark in complexion

Schedule 9

That if she had XXX, she should tell you and you would help her by XXX

Schedule 10

XXX

Throat sweets

XXX

Water

Schedule 11

XXX

Schedule 12

XXX

Schedule 13

“in view of the foregoing facts and circumstances, you are hereby called upon to verify whether the document has been issued by you. You are further solicited to forthwith withdraw the document and the contents thereof by unambiguous written declaration and issue an unconditional apology to my client, in the event that the document is, indeed genuine. Failure to comply and make the foregoing clarifications(s) pertaining to the document my client shall be constrained to invoke his legal rights and initiate necessary actions against you in the Court(s) of law and requisite medical practitioner’s regulatory forums including and not limited to [XXX].”