

PUBLIC RECORD

Date: 01/11/2023

Medical Practitioner's name:	Dr Rajeevan ANANTHARANJIT
GMC reference number:	7134399
Primary medical qualification:	MB BS 2012 University of London
Type of case	Outcome on impairment
Review - Misconduct	Not Impaired

Summary of outcome

Suspension to expire

Tribunal:

Legally Qualified Chair	Miss Debi Gould
Lay Tribunal Member:	Mr Paul Hepworth
Medical Tribunal Member:	Dr Nagarajah Theva
Tribunal Clerk:	Miss Kanwal Rizvi

Attendance and Representation:

Medical Practitioner:	Present, represented
Medical Practitioner's Representative:	Ms Hannah Hinton, Counsel, instructed by We are Advocate
GMC Representative:	Ms Fiona McNeill, Counsel

Attendance of Press / Public

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

Overarching Objective

Throughout the decision making process the tribunal has borne in mind the statutory overarching objective as set out in s1 Medical Act 1983 (the 1983 Act) to protect, promote and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession.

Determination on Impairment - 01/11/2023

1. At this review hearing the Tribunal now has to decide in accordance with Rule 22(1)(f) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004, as amended ('the Rules') whether Dr Anantharanjit's fitness to practise is impaired by reason of misconduct.

The Outcome of Applications Made during the Impairment Stage

2. The Tribunal granted Dr Anantharanjit's application, made pursuant to Rule 41 of the General Medical Council (Fitness to Practise) Rules Order of Council 2004 (the Rules) for the hearing to be conducted in private in its entirety. The Tribunal's full decision on the application is included at Annex A.

Background

3. Dr Anantharanjit qualified in 2012 from the University of London. At the time of the events resulting in this review hearing, Dr Anantharanjit was practising as a Specialty Registrar Ophthalmologist at Royal Glamorgan Hospital ('the Role') at Cwm Taf Morgannwg University Health Board ('CTMUHB').

4. The facts found proved at Dr Anantharanjit's hearing, which took place in June 2022, can be summarised as follows. Between August 2017 and September 2018, Dr Anantharanjit received payments from CTMUHB that he was not entitled to. Dr Anantharanjit acted dishonestly in that he knew he had received payments in error and knew that he was not entitled to the payments but failed to inform CTMUHB that he had received them.

5. The 2022 Tribunal concluded that Dr Anantharanjit's conduct fell so far short of the standards of conduct reasonably to be expected of a doctor as to amount to serious misconduct.

6. A further hearing occurred in March 2023 to consider sanction. The March 2023 Tribunal took account of the steps which Dr Anantharanjit had taken in the interim to ensure the same situation would not recur. The March 2023 Tribunal concluded that Dr Anantharanjit had not demonstrated full insight into his misconduct, however, he had made significant progress. Accordingly, the March 2023 Tribunal determined that there was a minimal risk of repetition of the dishonest misconduct. It further concluded, however, that there was nothing so rare or unusual about the context and circumstances of the misconduct that a finding of no impairment could be justified.

7. The March 2023 Tribunal concluded that Dr Anantharanjit had been dishonest over a period of 11 months and had spent monies which he knew he was not entitled to have received additional payments of £30,306.33(gross). The March 2023 Tribunal considered that a finding of impairment was necessary to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of the profession. The March 2023 Tribunal determined that public confidence in the medical profession would be undermined if there was no finding of impairment in this case.

8. The March 2023 Tribunal determined to suspend Dr Anantharanjit's registration from the medical register for a period of six months. It was satisfied that such a period marked the seriousness of Dr Anantharanjit's dishonest misconduct and upheld the overarching objective in maintaining public confidence in the profession and upholding proper professional standards.

9. The March 2023 Tribunal determined to direct a review of Dr Anantharanjit's case, to convene shortly before the end of the period of suspension. The Tribunal clarified that, at the review hearing, the onus would be on Dr Anantharanjit to demonstrate how he had developed full insight into his actions. The Tribunal was of the view that any future Tribunal may be assisted if Dr Anantharanjit provided:

- An up-to-date reflective piece on his insight into the dishonest misconduct and the findings of this Tribunal
- Any evidence of continuing remediation
- Evidence that he has kept his medical knowledge and skills up to date including relevant Continued Professional Development and
- Any other relevant evidence that Dr Anantharanjit considers will assist the reviewing tribunal.

The Evidence

10. The Tribunal has taken into account all the evidence received which included:
- Dr Anantharanjit’s witness statement, dated 16 October 2023
 - Certificates of Continuing Professional Development, dated July 2023;
 - Letter from NHS West London, dated 26 June 2023;
 - Article written by Dr Anantharanjit and others, dated May 2023;
 - XXX;
 - Statement from Mr B, Consultant Medical Ophthalmologist, dated 25 October 2023;
 - Character Reference from Ms C, Consultant Ophthalmologist, dated 1 March 2023;
 - Character Reference from Mr D, Business Manager of Imperial College healthcare ophthalmic research group, dated 6 February 2023;
 - XXX.

Submissions

11. On behalf of the GMC, Ms McNeill submitted that the GMC’s position was neutral on impairment.

12. On behalf of Dr Anantharanjit, Ms Hinton contended that a finding of impairment is no longer necessary in order to protect the public confidence and maintain professional standards.

13. Ms Hinton reminded the Tribunal that the dishonest conduct found proved did not require any pre-planning on the Doctor’s part. She reminded the Tribunal that the overpayments were made by the Trust due to a clerical error concerning the misspelling of Dr Anantharanjit's surname. She stated that this was not a devious fraud calculated by him from the outset and emphasised that prior to the aberrations that occurred in 2017 and 2018, Dr Anantharanjit was a man of good character. Ms Hinton therefore submitted that the misconduct is entirely out of character. Ms Hinton contended that Dr Anantharanjit will not repeat the misbehaviour for which he has been sanctioned and emphasised that the context in which the misconduct occurred was particularly important. Ms Hinton reminded the Tribunal that there is evidence that Dr Anantharanjit was XXX at the time of the misconduct arising out of XXX.

14. Ms Hinton submitted that Dr Anantharanjit has taken significant steps to remediate his misconduct including making consistent repayments of £500 a month to the Trust prior to

his suspension in March 2023 and continued to make repayments of £15 per month after his suspension XXX. Ms Hinton submitted that as of October 2023 Dr Anantharanjit had repaid £16,590.00.

15. Ms Hinton referred the Tribunal to Dr Anantharanjit’s reflective document and the supportive testimonials. Ms Hinton submitted that Dr Anantharanjit has done considerable work on key areas of concern in this case of his own accord. She referred the Tribunal to the CPD Certificates and submitted that considerable effort has been made in terms of undertaking further courses as directed by the previous Tribunal. Ms Hinton submitted that Dr Anantharanjit has maintained his clinical skills and his knowledge of the profession. Ms Hinton further submitted that there had not been any repetition of the misconduct found. She reminded the Tribunal that there had never been any clinical concerns prior to Dr Anantharanjit’s suspension.

16. XXX.

17. XXX

The Relevant Legal Principles

18. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal’s judgement alone. As noted above, the previous Tribunal set out the matters that a future Tribunal might be assisted by. This Tribunal is aware that it is for the doctor to satisfy it that he would be safe to return to unrestricted practise.

19. This Tribunal must determine whether Dr Anantharanjit’s fitness to practise is impaired today, taking into account Dr Anantharanjit’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

20. The Tribunal considered all the evidence which has been presented during the course of these proceedings and the submissions from Ms McNeill and Ms Hinton.

21. In reaching its determination, the Tribunal had regard to Dr Anantharanjit’s reflective statement, dated 16 October 2023 and noted that he had provided detailed written

reflections and material to support the development of his insight into his dishonest conduct. It also acknowledged the statement from Mr B in support of Dr Anantharanjit's remediation and return to work.

22. The Tribunal acknowledged Dr Anantharanjit's proactive steps to remediate and develop deeper insight had been taken without any legal assistance and that he continued to repay the overpayment despite not being in employment. It also took into account that Dr Anantharanjit has been open and transparent with his colleagues regarding both his misconduct and XXX.

23. XXX.

24. The Tribunal concluded that Dr Anantharanjit had demonstrated sufficient insight and had fully remediated his dishonest misconduct. Dr Anantharanjit, in his reflective statement, apologised for his misconduct, and expressed remorse. He has analysed the steps that had led him to act dishonestly and reflected on them, putting in place preventative measures for the future. He said in his reflective statement that he acknowledges the serious implications of breaching of his professional standards and duties and that it significantly undermined the reputation of the medical profession. The Tribunal accepted that this properly reflected Dr Anantharanjit's current position. It also recognised that Dr Anantharanjit had been careful to ensure no further repetition. He had reported an incident to the NHS Trust when he was accidentally paid for working for a full day when he had in fact only worked half a day. The Tribunal further noted that Dr Anantharanjit's previous employer considered that he had taken considerable care to regulate his employment practices to secure proper financial discipline and awareness. Further, it recognised that Dr Anantharanjit had carried out various activities to ensure that he maintained his knowledge and skills in the Ophthalmology field and continue with his professional development. For all of these reasons, the Tribunal determined that risk of repetition was low.

25. The Tribunal noted that the determination of the March 2023 Tribunal to impose a period of suspension of six months was intended to mark the seriousness of Dr Anantharanjit's misconduct, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for the members of the profession.

26. The Tribunal concluded that the evidence showed that Dr Anantharanjit is a good doctor who is well regarded by his colleagues and his patients. It is in the public interest for good doctors to return to clinical practise if they demonstrate, as Dr Anantharanjit had done,

that he had addressed his misconduct and the risk of any repetition was low. The Tribunal was satisfied that public safety would not be compromised, that public confidence in the profession had been demonstrated by the actions taken by the March 2023 Tribunal and that the period of suspension it imposed had also signalled clearly the importance of maintaining professional standards. In the circumstances, this Tribunal determined that it was in the wider public interest that the current order of suspension on Dr Anantharanjit's registration should lapse upon its expiry on 4 November 2023.

27. This Tribunal has therefore determined that Dr Anantharanjit's fitness to practise is no longer impaired by reason of misconduct.

28. That concludes the case.

ANNEX A – 01/11/2023

Application for proceedings to be held in private

Submissions

29. On behalf of Dr Anantharanjit, Ms Hinton, made a preliminary application to the Tribunal, pursuant to Rule 41 of the General Medical Council (Fitness to Practise) Rules Order of Council 2004 (the Rules) for the proceeding to be heard in private. She submitted that given that the matters involve XXX, it would be realistic to conduct this matter in private in its entirety. She submitted that it would make the process unwieldy to go in and out of private and public session.

30. On behalf of the GMC, Ms McNeill did not oppose the application.

Tribunal Decision

31. The Tribunal took into account the submissions from Ms Hinton and Ms McNeill and had regard to its duty to conduct proceedings in a fair manner and in line with the Rules and regulations which govern proper conduct of Tribunals.

32. The Tribunal balanced the principle of open justice against the private interests of the doctor. It considered that the previous hearing was conducted in private due to reference to XXX and that current circumstances remain the same. The Tribunal further considered that Dr XXX were so interwoven with the other issues it had to determine that it would not be viable to conduct part of the hearing in private and part in public. It accepted Ms Hinton's submission that the process would be unwieldy if the Tribunal had to go in and out of private and public session and it might make it difficult for someone reading the determination to follow and understand it.

5. Accordingly, the Tribunal determined to grant Ms Hinton's applications under Rule 41 for the proceeding to be conducted in private session in its entirety.