

**Dates:** 30/11/2018

**Medical Practitioner's name:** Dr Ronald Nitesh LAGURI

**GMC reference number:** 7124967

**Primary medical qualification:** MBBS 2000 Calcutta University - Medical College Calcutta

**Type of case**

**Review - Non-compliance with a performance assessment**

**Outcome on non-compliance**

Non-compliance found

**Summary of outcome**

Suspension for 12 months  
Review hearing directed

**Tribunal:**

Legally Qualified Chair	Ms Cerys Jones
Lay Tribunal Member:	Mr Alistair Griggs
Medical Tribunal Member:	Professor John Alcolado
Tribunal Clerk:	Mr David Salad

**Attendance and Representation:**

Medical Practitioner:	Not present and not represented
Medical Practitioner's Representative:	N/A
GMC Representative:	Mr Peter Warne, Counsel

## **Record of Determinations Medical Practitioners Tribunal**

### **Background and findings on non-compliance**

On 31 May 2017, you were directed under Rule 7(3) and Schedule 1 of the Fitness to Practise Rules 2004 to undertake an assessment of your performance. You were asked to provide your completed performance assessment portfolio by 28 June 2017.

Your non-compliance was considered at a Medical Practitioners Tribunal ('MPT') hearing on 20 November 2017. The MPT determined that you had failed to comply with the direction to attend a performance assessment and suspended your registration for a period of 12 months.

On 5 December 2017, the GMC notified you of the outcome of the hearing and invited you to complete the performance assessment.

On 25 January 2018, the GMC notified you of the upcoming Non-compliance hearing review and reminded you to undergo a Performance assessment.

On 14 June 2018, the GMC sent you a reminder by letter that you were required to complete and return your personal assessment portfolio.

On 21 August 2018, the GMC sent you a reminder by letter that you were required to undergo a Performance assessment.

On 19 October 2018, the GMC sent you a further reminder letter in respect of the review hearing and the direction to undergo a Performance assessment.

You have failed to comply in full with the GMC's direction.

There is no good reason for your failure to comply with the GMC's direction.

### **Non-compliance found**

### **Attendance of press / public**

The hearing was held entirely in public.

### **Determination on consideration of non-compliance 30/11/2018**

1. This is a review of Dr Laguri's case following a Medical Practitioners Tribunal (MPT) hearing which concluded in November 2017 (the 2017 Tribunal).

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### Background

#### Events leading to the 2017 Tribunal

2. Dr Laguri was referred to the GMC by Dr A, Consultant in Emergency Medicine at St George's University Hospital Foundation Trust in March 2017. Dr Laguri was working as a CT3 Emergency Medicine trainee. Dr A stated that multiple Consultants had "flagged up" concerns about Dr Laguri. The concerns related to Dr Laguri's probity and capability. Dr A advised that Consultants from Dr Laguri's previous hospital, Leeds Teaching Hospital NHS Trust Emergency Department, had contacted St George's and advised them that they strongly felt that Dr Laguri was untrainable and not able to do the job.

3. On 8 June 2017 the GMC received a letter from Dr B, Associate Medical Director/Responsible Officer at The Leeds Teaching Hospitals NHS Trust. Dr B attached a report from the Clinical Director, Dr C, Emergency Medicine Consultant who had direct responsibilities for Dr Laguri, when he was employed at Leeds for two years from summer 2014. Dr C noted a number of concerns about Dr Laguri that centred on his lack of progress and an inability to show progress beyond the level expected of an F2/CT1 level doctor.

4. On 19 June 2017 Health Education England (London and South East) wrote to Dr Laguri to advise him that following an ARCP on 24 May 2017, when Dr Laguri was awarded an outcome 4 (release from training) that he would be released from training on 1 August 2017, and his National Training Number would be removed due to failure of progression.

5. On 31 May 2017, the GMC directed Dr Laguri under Rule 7(3) and Schedule 1 of the Fitness to Practise Rules 2004 to undergo a Performance Assessment. He was asked to provide his completed Performance Assessment portfolio by 28 June 2017. Dr Laguri did not respond to this request, or to any further correspondence sent to him by the GMC between May and July 2017. On 6 September 2017, the GMC wrote to Dr Laguri to inform him that his failure to comply with the direction to undergo a Performance Assessment had been referred to a Medical Practitioners Tribunal.

#### The 2017 Tribunal

6. The 2017 Tribunal determined that the GMC's direction to Dr Laguri was reasonable, that Dr Laguri had failed to comply with a reasonable direction without providing any reason, and that his failure to comply was not unavoidable or otherwise excusable. It found that there had been non-compliance with the GMC direction of 31 May 2017 to undergo a Performance Assessment.

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7. The 2017 Tribunal considered that an order of suspension would guard against the clinical concerns raised in respect of Dr Laguri's practice, whilst indicating to him the importance of compliance with his regulator. It was of the view that such a sanction would also send a message to the profession and the wider public about the importance of a doctor engaging with their regulatory body and its directions.

8. The 2017 Tribunal determined that a period of 12 months suspension was appropriate. It noted that if Dr Laguri decided to undergo a Performance Assessment this would take at least 6 months to complete. It considered that a period of 12 months, therefore, would give Dr Laguri sufficient time to reflect upon its determination and the Tribunal's finding of non-compliance, as well as adequate time to re-engage with the GMC and to comply with its Performance Assessment direction.

9. The 2017 Tribunal indicated in its determination that a reviewing Tribunal would be assisted by receiving:

- evidence that Dr Laguri has undergone a Performance Assessment, along with its results;
- evidence to demonstrate that Dr Laguri has kept his medical skills and knowledge up-to-date.

### **Today's proceedings**

10. This Tribunal has convened to review Dr Laguri's case. At the outset of this hearing it granted the GMC's application, made pursuant to Rule 31 of the Rules, to proceed in the absence of Dr Laguri. The Tribunal's full decision on this application is included at Annex A.

11. Having determined to proceed, the Tribunal has considered, under Rule 22A of the GMC (Fitness to Practise) Rules, 2004 (as amended) ('the Rules'), whether there has been a failure to comply with an assessment under Schedule 1 of the Rules, which relates to Performance Assessments.

12. In reaching its decision, the Tribunal has given careful consideration to all of the oral and documentary evidence adduced in this case.

13. The Tribunal has taken into account:

- letter and email correspondence sent by the GMC to Dr Laguri before the 2017 Tribunal;
- information provided by St George's University Hospital Foundation Trust, Leeds Teaching Hospital NHS Trust and Health Education England (London and South East) before the 2017 Tribunal;

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- the determinations of the 2017 Tribunal;
- correspondence sent from the GMC and MPTS to Dr Laguri between the conclusion of the 2017 Tribunal in November 2017 and 1 November 2018;
- email correspondence between the GMC and Dr A between 19 and 23 October 2018;
- email correspondence between the GMC and Dr Laguri's previous legal representatives.

14. The Tribunal noted the details of non-compliance provided by the GMC which are as follows:

*On 31 May 2017, you were directed under Rule 7(3) and Schedule 1 of the Fitness to Practise Rules 2004 to undertake an assessment of your performance. You were asked to provide your completed performance assessment portfolio by 28 June 2017.*

*Your non-compliance was considered at a Medical Practitioners Tribunal ('MPT') hearing on 20 November 2017. The MPT determined that you had failed to comply with the direction to attend a performance assessment and suspended your registration for a period of 12 months.*

*On 5 December 2017, the GMC notified you of the outcome of the hearing and invited you to complete the performance assessment.*

*On 25 January 2018, the GMC notified you of the upcoming Non-compliance hearing review and reminded you to undergo a Performance assessment.*

*On 14 June 2018, the GMC sent you a reminder by letter that you were required to complete and return your personal assessment portfolio.*

*On 21 August 2018, the GMC sent you a reminder by letter that you were required to undergo a Performance assessment.*

*On 19 October 2018, the GMC sent you a further reminder letter in respect of the review hearing and the direction to undergo a Performance assessment.*

*You have failed to comply in full with the GMC's direction.*

*There is no good reason for your failure to comply with the GMC's direction.*

## Submissions

15. The Tribunal has considered the submissions made by Mr Warne, Counsel, on behalf of the GMC.

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16. Mr Warne submitted that Dr Laguri has failed to comply with the GMC's direction that he undergo a Performance Assessment. He drew the Tribunal's attention to the test set out in the MPTS guidance document *Non-compliance hearings guidance for medical practitioners tribunals* ('the Guidance'). He submitted that the Tribunal could be satisfied that all three questions set out in the test were made out, such that it could find non-compliance.

### The Tribunal's approach

17. Whilst the Tribunal has borne in mind the submissions made, the decision regarding non-compliance is one for the Tribunal to reach, exercising its own judgement.

18. The Tribunal was aware that the burden of proof rests on the GMC and that it is for the GMC to prove non-compliance. The Tribunal was also aware that the standard of proof is that applicable to civil proceedings, which is the balance of probabilities.

19. The Tribunal also had regard to the Guidance, in particular the following questions set out for its consideration:

- Was the GMC's direction to provide information to undergo an assessment reasonable given the circumstances of the case and the evidence available to the decision maker(s)?
- Is there sufficient evidence to show that the doctor has failed to comply with the direction?
- Is there evidence to suggest that there was good reason for the doctor's failure to comply (i.e. was it unavoidable or otherwise excusable)?

### The Tribunal's decision

20. The Tribunal had no reason to disagree with the finding of the 2017 Tribunal that the direction made by the GMC for Dr Laguri to undergo a Performance Assessment was a reasonable one. Serious concerns had been raised by Dr Laguri's employers in Leeds and at St George's Hospital including repeated clinical mistakes, poor prescribing, issues with record keeping, a lack of familiarity with basic clinical/administrative procedures and guidelines, and a failure to work effectively with colleagues. It was evident that any attempts to remedy his practice had been unsuccessful. In these circumstances, the Tribunal was satisfied there was a potential impact on patient safety in allowing Dr Laguri to continue to practise without intervention. The Tribunal was of the view that the GMC would have been failing in its regulatory duty if it had not taken steps to address this, including

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directing Dr Laguri to undergo a Performance Assessment. Accordingly, it therefore determined that in the circumstances of this case the order was entirely reasonable.

21. Dr Laguri was made aware in 2017 of the GMC direction for him to undergo a Performance Assessment. The Tribunal noted that, since that time, the GMC has made repeated efforts to contact Dr Laguri without success to remind him of the direction. Since the 2017 Tribunal, there is no evidence that Dr Laguri has engaged in any way with the GMC or that he has taken steps to undergo the Performance Assessment. He has not asked for more time to prepare, or given any other explanation as to why he has not complied, rather he has not engaged at all. Further, he is no longer legally-represented which appears to suggest a further disengagement from the process. The Tribunal was therefore satisfied that there is sufficient evidence to show that Dr Laguri has failed to comply with the direction.

22. The Tribunal noted that, due to his continued lack of engagement, there is no information from Dr Laguri to show has provided no reason for not yet having undergone the Performance Assessment. In the light of this, the Tribunal determined that his failure to comply was not unavoidable or otherwise excusable.

23. In the circumstances the Tribunal has determined that non-compliance has been found.

### **Determination on sanction 30/11/2018**

24. Having determined that there is non-compliance by reason of his failure to comply with a performance assessment in accordance with Schedule 1 to the Rules the Tribunal has considered whether a sanction should be imposed on Dr Laguri's registration.

25. The Tribunal has considered the submissions made by Mr Warne, Counsel, on behalf of the GMC regarding the appropriate sanction, if any, that should be imposed.

26. Mr Warne submitted that the Tribunal should impose a further suspension of 12 months in duration. He reminded the Tribunal of the concerns around patient safety which led to the GMC direction that Dr Laguri undergo a Performance Assessment. He stated that Dr Laguri had not engaged in any meaningful way before the 2017 Tribunal, and that there had been 'no engagement full stop' from him since November 2017. He submitted that this demonstrated a lack of insight on Dr Laguri's part. He said that a further period of suspension was the only proper course since Dr Laguri had neither undertaken the Performance Assessment or shown any evidence that he has kept his clinical skills and knowledge up to date.

27. Mr Warne submitted that a further order of suspension would protect the public and send a message to Dr Laguri, the wider profession and the public

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concerning the importance of compliance with the regulator. He stated that, due to the complete lack of engagement shown by Dr Laguri and the timescales required for a Performance Assessment to take place, the maximum period of suspension was required and appropriate.

28. The Tribunal is aware that the decision as to the appropriate sanction, if any, to impose on Dr Laguri's registration is a matter for this Tribunal exercising its independent judgment. In reaching its decision, the Tribunal has taken account of the Non-compliance hearings guidance for medical practitioner tribunals ('the Guidance').

29. Throughout its deliberations, the Tribunal considered its overarching objective which includes:

- a. protecting, promoting and maintaining the health, safety and well-being of the public,
- b. maintaining public confidence in the profession
- c. promoting and maintaining proper professional standards and conduct for the members of the profession.

The Tribunal has also borne in mind that the purpose of a sanction is not to punish or discipline doctors, but that sanctions may have a punitive effect.

### **No Action**

30. The Tribunal first considered whether to conclude Dr Laguri's case and take no further action. It considered that, in the light of the serious concerns raised with regard to patient safety, and Dr Laguri's non-compliance with the direction for a Performance Assessment, taking no action in this case would be entirely inappropriate.

### **Conditions**

31. The Tribunal next considered whether it would be appropriate to impose a period of conditions on Dr Laguri's registration. It has borne in mind that any conditions must be appropriate, proportionate, workable and measurable.

32. The Tribunal was of the view that, given the circumstances in which Dr Laguri has continued to show a lack of engagement with the process since the last Tribunal in November 2017, it was not in a position to formulate workable conditions with which it was likely he would comply. Further, given the serious concerns raised about Dr Laguri's practice by a number of clinicians and both his previous employers,

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and the requirement to protect the public, it was not satisfied that an order of conditions was a sufficient sanction in this case.

### Suspension

33. Having determined that the imposition of conditions would not be appropriate the Tribunal considered whether to suspend Dr Laguri's registration for a further period.

34. The Tribunal took into account the serious and wide ranging concerns raised with regard to Dr Laguri's practice and his continued non-compliance with the GMC's direction for a Performance Assessment. It noted that he has failed to engage in any way with the process in the last 12 months and has neither undertaken the Performance Assessment nor provided any evidence that he has kept his clinical knowledge and skills up to date as envisaged by the 2017 Tribunal.

35. In these circumstances, the Tribunal considered that it was necessary to impose a further period of suspension on Dr Laguri's registration. While it removed Dr Laguri's ability to practise medicine, it was satisfied that this was the proportionate sanction required. It will guard against the clinical concerns raised in respect of Dr Laguri's practice, whilst indicating to him the importance of compliance with his regulator. It also sends a message to the profession and the wider public about the importance of engaging with his regulatory body and its directions. Further, it will maintain public confidence in the profession.

36. The Tribunal has determined to suspend Dr Laguri's registration for a period of 12 months. The Tribunal considered that Dr Laguri required this period in order to re-engage with his regulator, and take the steps required by the direction for the Performance Assessment. It has noted that if Dr Laguri decides to re-engage and undergo a Performance Assessment this would take at least 6 months to complete. Further it noted that, given the lack of evidence before it that Dr Laguri has kept his clinical knowledge and skills up to date, and the indication from Dr A that Dr Laguri is not currently residing in the UK, that the maximum period of suspension is appropriate. This would permit him time to return to the UK, re-engage and take all the steps required of him, including giving him sufficient time to reflect upon the Tribunal's determination and its finding of non-compliance.

37. A Tribunal will review Dr Laguri's case at a hearing to be held before the end of the period of suspension. It will then consider whether it should take any further action in relation to his registration. Dr Laguri will be informed of the date of that meeting, which he will be invited to attend. The Tribunal reviewing Dr Laguri's case would be assisted by receiving the following:

- evidence that Dr Laguri has undergone a performance assessment, along with its results

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- evidence to demonstrate that Dr Laguri has kept his medical skills and knowledge up-to-date.

38. The MPTS will write to Dr Laguri informing him of his right of appeal, and confirming the date on which the new suspension becomes effective if he does not exercise his right of appeal. The current suspension will remain in place during the appeal period, and until the outcome of any appeal that Dr Laguri may make.

39. That concludes this hearing.

**Confirmed**

**Date** 30 November 2018

Ms Cerys Jones, Chair

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### **ANNEX A**

#### **Dr Ronald Nitesh LAGURI (7124967) Medical Practitioners Tribunal commencing 30 November 2018 Determination: Service and proceeding in absence**

1. Dr Laguri is neither present nor represented today. The Tribunal has considered Mr Warne's submission, on behalf of the GMC, that notification of this hearing has been properly served upon Dr Laguri.
2. Mr Warne informed the Tribunal that the notice of this hearing, sent by the Medical Practitioners Tribunal Service, dated 31 October 2018, was sent by Royal Mail Special Delivery Service to Dr Laguri's registered address. As identified by the Royal Mail online Track and Trace service, an attempt was made to deliver the Notice of Hearing on 2 November 2018. There being no-one at the address to sign for the letter, a notice of delivery card was left, and the item was held at the local depot for collection.
3. The Tribunal also noted the GMC letter dated 30 October 2018 which provides information regarding this hearing and was sent to Dr Laguri's registered postal address. As identified by the Royal Mail online Track and Trace service, an attempt was made to deliver the Notice of Hearing on 1 November 2018. As above, there being no-one at the address to sign for the letter, a card was left, and the item held at the local depot for collection.
4. The Tribunal has borne in mind that it is the responsibility of Dr Laguri to keep his registered address up to date with the GMC, and that the notice of hearing was sent to the doctor's current registered address.
5. The tribunal has decided that notice of this hearing has been served in accordance with Rule 40 of the General Medical Council (Fitness to Practise) Rules 2004 and paragraph 8 of Schedule 4 of the Medical Act 1983.
6. Mr Warne invited the tribunal to proceed in the absence of Dr Laguri pursuant to Rule 31. He told the Tribunal that the GMC has made all possible efforts to contact Dr Laguri by post and by email but without success. He said that it was in the interests of justice to proceed today, with the same factors before this Tribunal as those faced by the Tribunal who considered this case in November 2017. He said that there would be nothing to be gained by adjourning today's proceedings and that it appeared that Dr Laguri has disengaged from the process.

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7. The Tribunal has balanced Dr Laguri's interests with the public interest in deciding whether to proceed in his absence. The Tribunal notes that the GMC has made all reasonable efforts to attempt to contact Dr Laguri by both post and email and has received no response from him. It noted that Dr A, Dr Laguri's former supervisor at St George's Hospital, has recently informed the GMC that Dr Laguri may be in India and was unlikely to attend the hearing. The Tribunal has received no request for adjournment from Dr Laguri and was satisfied that an adjournment would serve no useful purpose as it has no information that Dr Laguri would be likely to attend any future hearing. The Tribunal was satisfied that Dr Laguri has voluntarily absented himself from these proceedings. It was satisfied that the issues raised regarding Dr Laguri's non-compliance mean that it is in the public interest that the hearing proceeds today.

8. In accordance with Rule 31, the tribunal has determined to proceed in Dr Laguri's absence.