

PUBLIC RECORD

Dates: 20/11/2023 - 22/11/2023

Medical Practitioner's name: Dr Sakib AHMED

GMC reference number: 6167648

Primary medical qualification: MB ChB 2008 University of Dundee

Type of case	Outcome on facts	Outcome on impairment
New - Misconduct	No facts found proved	Not impaired

Summary of outcome
Case concluded

Tribunal:

Legally Qualified Chair	Miss Sally Cowen
Lay Tribunal Member:	Mrs Cindy Mackie
Medical Tribunal Member:	Professor Robert Mansel
Tribunal Clerk:	Mr John Poole 20-21/11/2023 Mr Larry Millea 22/11/2023

Attendance and Representation:

Medical Practitioner:	Present, represented
Medical Practitioner's Representative:	Ms Natalie McCartney, Solicitor, instructed by BTO Solicitors LLP
GMC Representative:	Miss Shirlie Duckworth, Counsel

Attendance of Press / Public

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

Overarching Objective

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

Determination on Facts - 22/11/2023

Background

1. Dr Ahmed qualified in 2008, obtaining full GMC registration and his licence to practise in 2009. At the time of the events Dr Ahmed was practising as a Consultant Psychiatrist in Mid-Park Hospital ('the Hospital'), part of NHS Dumfries & Galloway Trust ('the Trust').
2. The allegation that has led to Dr Ahmed's hearing can be summarised as that between 2018 and 2019, Dr Ahmed threatened Ms A, was physically abusive and engaged in a course of conduct that he knew or ought to have known amounted to harassment because it was oppressive and/or unreasonable and caused Ms A alarm or distress.
3. The initial concerns were raised with the GMC on 15 April 2019 by Dr Ahmed. He confirmed that he had been contacted by the Police as there had been an allegation of a sexual assault about him. He stated that he had been arrested and interviewed under caution but released without charge. He confirmed that enquiries were ongoing and that his employer had suspended him on full pay.

The Outcome of Applications Made during the Facts Stage

4. The Tribunal partially granted an application made on behalf of Dr Ahmed, made pursuant to Rule 34(1) of the General Medical Council (Fitness to Practise Rules) 2004 as amended ('the Rules'), that, redacted sections of the substantive hearing bundle be included. The Tribunal's full decision on the application is included at Annex A.
5. The Tribunal granted an application made on behalf of Dr Ahmed, under Rule 17(2)(g), that there was no case to answer in respect of all paragraphs and sub-paragraphs of the Allegation. The Tribunal's full decision is set out below.

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GMC Withdrawal of Evidence

7. Prior to the opening of the case, Miss Duckworth, counsel on behalf of the GMC, informed the Tribunal that the GMC would be submitting no evidence in this case.

8. Miss Duckworth submitted that the central evidence in this case is that of the complainant, Ms A, and that the Tribunal would have to be satisfied that, based upon her evidence, the case could be proved to the civil standard. XXX.

9. Miss Duckworth submitted that there are also matters that would be raised during cross examination in relation to which Ms A, and indeed another party to these proceedings, would both need to be given specific legal advice about the consequences of that matter being dealt with under oath. She submitted that taking into account fairness to Dr Ahmed, the welfare of Ms A and the wider interests of justice the GMC did not wish to provide any evidence in support of the allegations which have been particularised, and therefore offer no evidence in relation to any of the allegations that Dr Ahmed faces.

Submissions on half-time application of no case to answer

10. On behalf of Dr Ahmed, Ms McCartney made a submission of no case to answer in respect of all paragraphs of the Allegation, pursuant to Rule 17(2)(g).

11. Ms McCartney submitted that she was in full agreement with the process adopted by the GMC and that on the basis that the GMC were offering no evidence, there was no case to answer against Dr Ahmed and the Tribunal ought to make the determination that there was no case to answer in respect of the entirety of the Allegation.

12. On behalf of GMC, Ms Duckworth submitted that she did not oppose the application and had nothing further to add.

The Tribunal's Approach

13. The Tribunal reminded itself that at this stage of the proceedings it was not considering whether it would or would not find the relevant paragraphs of the Allegation proved, but whether sufficient evidence had been adduced for there to be a case for Dr Ahmed to answer.

The Tribunal's Decision

14. The Tribunal considered that no evidence was being brought by the GMC and therefore there was no basis on which it could consider a case to answer in any of the paragraphs set out in the Allegation.

15. The Tribunal was satisfied that in the absence of any evidence, it could not determine that any of the facts set out in the Allegation could be proved and therefore there was no suitable basis to proceed any further in determining the Allegation.

16. The Tribunal therefore determined that there was no case for Dr Ahmed to answer and no facts to be found proved or findings to be made against him in respect of the entirety of the Allegation.

17. As the facts have not been found proved it therefore follows that Dr Ahmed's fitness to practise is not impaired.

18. That concludes this case.

Annex A

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