

**PUBLIC RECORD****Dates:** 05/05/2026 - 08/05/2026**Doctor:** Dr Sohier EL-NEIL**GMC reference number:** 4157384**Primary medical qualification:** MB ChB 1987 University of Zimbabwe**Type of case**

XXX Misconduct

**Summary of outcome**

Adjourned

Suspension extended, 7 months.

**Tribunal:**

Legally Qualified Chair	Ms Megan Larrinaga
Lay Tribunal Member:	Mr George Ritchie
Registrant Tribunal Member:	Dr Laura Florence
Tribunal Clerk:	Ms Fiona Johnston

**Attendance and Representation:**

Doctor:	Not present, not represented
GMC Representative:	Mr Robyn Kitching, 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.

## Protecting the Public

Throughout the decision-making process the tribunal has borne in mind the statutory duty as set out in s1(1) of the Medical Act 1983 (the 1983 Act) to protect the public. The tribunal has considered the relevance and impact on each of the three distinct parts of public protection 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.

## ANNEX A – 07/05/2026

### Service of the Notice of Hearing

1. Dr El-Neil was neither present nor represented at the hearing. The Tribunal noted the GMC were making three applications, i.e. to adjourn XXX and to extend the current period of suspension if the proceedings were to be adjourned. The Tribunal considered it needed to be satisfied that Dr El-Neil had been properly served with Notice of the Hearing before determining the applications.

### Submissions

2. Mr Kitching, Counsel on behalf of the GMC, referred the Tribunal to Rule 40 of the General Medical Council ('GMC') Fitness to Practise Rules 2004, as amended ('the Rules'), and in particular Rule 40(2) which, he stated, makes clear that any notice or document required to be served may be served by ordinary post or electronic mail to an electronic mail address that the practitioner has notified the Registrar of as an address for communications. He further submitted that Rule 40(4) provides that service may be proved by a confirmation of posting issued by or on behalf of the postal operator or delivery service, or, in the case of electronic service, by confirmation of receipt of the document sent by email.

3. Mr Kitching highlighted that page 1 of the Service Bundle ('the Bundle'), provided to the Tribunal at its request, contained an extract from Siebel, the GMC's internal system, showing Dr El-Neil's registered postal address. He then directed the Tribunal to page 29 of the Bundle which, he stated, showed the tracking history of items sent and delivered to Dr El-Neil on 1 April 2026. He stated that the items were signed for by 'SOH' and that the item in that delivery was the Notice of Hearing set out at pages 23-28 of the Bundle. He stated that the Tribunal were entitled to infer that 'SOH' was Dr El-Neil.

4. Mr Kitching further submitted that although not required pursuant to the Rules, a copy of the Notice of Allegation had also been sent to Dr El-Neil by email. Mr Kitching referred the Tribunal to page 4 of the Bundle which he submitted demonstrated that the email had been delivered to the email address on Siebel. Mr Kitching also submitted that the

response received from Dr El-Neil's email address on 30 March 2026 at page 5 of the Bundle was further evidence that the email containing the Notice of Allegation had been delivered to Dr El-Neil. Mr Kitching stated that in light of the contents of the email dated 30 March 2026 from Dr El-Neil's email address stating that "[XXX]" the GMC sent the Notice of Allegation by post to her registered address. He stated that the document at page 9 of the Bundle showing a tracking history, stated as being delivered on 2 April 2026 and signed for by "Dr SOH" contained the Notice of Allegation. He again submitted that the Tribunal should infer that the Notice of Allegation had also been received by Dr El-Neil.

5. Mr Kitching submitted that, taken together, the documents in the Bundle satisfied the requirements of Rule 40. He also submitted the doctor's email dated 1 May 2026 was further evidence that she had received the documents sent by the GMC and MPTS and was aware of the hearing. He therefore invited the Tribunal to find that Dr El-Neil had been properly served and should proceed with determining the applications.

### The Tribunal's Determination

6. The Tribunal had regard to Rule 40(2) of the Rules. The Tribunal also had regard to a letter from the GMC dated 1 April 2026, sent by Special Delivery to Dr El-Neil at her registered address which, in part stated "*...the Medical Practitioners Tribunal Service ('MPTS') has arranged a hearing before a Medical Practitioners Tribunal ('Tribunal') on 05 to 14 May 2026. The hearing will consider the allegations about your fitness to practise, [XXX]...*". It noted that the GMC had also sent the Notice of Allegation letter dated 30 March 2026 to Dr El-Neil by Special Delivery. It had regard to pages 9 and 22 of the Bundle, the tracking history of two Special Delivery Items which were both delivered and signed for on 2 April 2026 by "Dr SOH" at the registered address of Dr El-Neil.

7. The Tribunal next considered a letter from the MPTS dated 31 March 2026 sent by Special Delivery to Dr El-Neil at her registered address which referred to "*Notice of hearing – [XXX]*". The Tribunal noted a further document setting out a tracking history and delivery details which confirmed that a Special Delivery item was signed for by "SOH" on 1 April 2026.

8. The Tribunal had regard to the guidance from the case of *Adeogba v Visvardis [2016] EWCA Civ 162* confirming that the obligation on the GMC in respect of service of notices was to communicate with the practitioner at the address provided, not more nor less. The Tribunal also had regard to the fact the obligation on the GMC was to ensure that the documents were sent to the practitioner and there was no requirement for there to be confirmation that the practitioner had received the documents.

9. There was no evidence before the Tribunal that the letter from the GMC dated 1 April 2026 or the MPTS dated 31 March 2026 (*the Letters*) sent to Dr El-Neil by email were delivered. However, the Tribunal noted the documentary evidence of the Letters being sent

to Dr El-Neil’s registered postal address by registered mail and that the Letters were signed for.

10. The Tribunal was satisfied on the balance of probabilities that the “*Dr SOH*” and/or the “*SOH*” who signed for the letters were Dr El-Neil. In any event, given that the Letters were sent and delivered to Dr El-Neil’s registered postal address, and were delivered more than 28 days in advance of the hearing, the Tribunal was satisfied on the balance of probabilities that she had been properly served with the Notice of Hearing in accordance with Rule 40 of the Rules.

11. Accordingly, the Tribunal proceeded with determining with the GMC’s applications.

#### **ANNEX B – 07/05/2026**

#### **Determination - Whether to Adjourn, XXX and extend the current Order of Suspension.**

12. The Tribunal exercised its powers under Rule 41 of the General Medical Council (‘GMC’) Fitness to Practise Rules 2004, as amended (‘the Rules’), to sit in private when the matters under consideration were confidential. This determination will be handed down in private.

13. At the outset of these proceedings, Mr Robin Kitching, Counsel on behalf of the GMC, made three applications; first for the new case XXX to be adjourned; second XXX and finally for Dr El-Neil’s current Order of Suspension to be extended for a period of nine months.

#### Submissions

14. Mr Kitching submitted that, in respect of XXX, the Tribunal should adjourn the proceedings XXX.

15. Mr Kitching stated that it was unfortunate that the evidence was provided at such a late stage, particularly given the date of the report, but reminded the Tribunal it was required to deal with the position as it presently stood.

16. XXX

17. XXX

18. XXX.

19. Mr Kitching submitted that, if the applications to adjourn were granted, the current Order of Suspension would expire in the near future. He therefore invited the Tribunal to exercise its powers under Section 35D(5A) of the Medical Act 1983 to extend the Order of Suspension for a period of nine months. XXX

20. Mr Kitching submitted that extending the current Order of Suspension was in the public interest and consistent with the statutory overarching objective to protect the public, maintain proper standards, and uphold public confidence in the profession.

#### Tribunal's decision on adjourning

21. The Tribunal first considered whether it should adjourn the matter to a new date to be fixed. In making its determination, the Tribunal had regard to Rule 29(2) of the Rules which states:

*“Where a hearing of which notice has been served on the practitioner in accordance with these Rules has commenced, the Committee or Tribunal considering the matter may, at any stage in their proceedings, whether of their own motion or upon the application of a party to the proceedings, adjourn the hearing until such time and date as they think fit.”*

22. The Tribunal reminded itself of its findings that the Notice of Hearing had been properly served on Dr El-Neil. It also had regard to the advice from the Legally Qualified Chair that there was no right to an adjournment and that any adjournment XXX.

23. XXX

24. XXX

25. XXX

26. The Tribunal balanced XXX against the statutory overarching objective of the GMC, namely the protection, promotion and maintenance of the health and safety and well-being of the public, the need to promote and maintain public confidence in the medical profession and to promote and maintain proper professional standards for members of the profession. The Tribunal also had regard to the need for regulatory matters to be disposed of in a fair, economical, expeditious and efficient manner, the impact of the continuing proceedings on Patient A and the wider public interest and balanced these interests against the prejudice to the doctor in the hearing proceeding in her absence.

27. The Tribunal accepted that there would be a continuing impact on Patient A in not having her concerns formally determined and the inconvenience of having given time to

make herself available to give evidence to the Tribunal and the need for her to do so again at any future hearing. The Tribunal also accepted that there was a significant public interest in disposing of the matter as soon as possible. The Tribunal balanced these considerations against XXX. The Tribunal was satisfied that the prejudice to Dr El-Neil in proceeding with the hearing outweighed the prejudice to Patient A and the wider public interest.

28. Having regard to all the circumstances, the Tribunal concluded that the balance fell in favour of the new case XXX being adjourned to a date to be fixed.

XXX

29. XXX

30. XXX

31. XXX

32. XXX

33. XXX

34. XXX

35. XXX

36. XXX

37. XXX

38. XXX

39. XXX

40. XXX

41. XXX

42. XXX

43. XXX

Extension of current sanction

44. The Tribunal noted that the Order of Suspension on Dr El- Neil’s registration is due to expire on 20 May 2026. The Tribunal noted that given its determination to adjourn XXX, in the event that action was not taken the current Order of Suspension would lapse, leaving Dr El-Neil free to practise without restriction. The Tribunal was satisfied that allowing the current Order of Suspension to lapse was contrary both to the public interest and the GMC’s statutory overarching objective.

45. XXX

46. XXX

47. The Tribunal had regard to the GMC’s submissions that the period of suspension should be extended for a further period of nine months XXX. However, the Tribunal noted it had no information or other evidence indicating that the period of nine months was an appropriate period of time to extend the current period of suspension. The Tribunal had regard to the need for any period of suspension to be appropriate and proportionate giving Dr El-Neil sufficient time to XXX and address any previous concerns with regard to the previous findings of impaired fitness to practise.

48. XXX. The Tribunal determined that the Order of Suspension should be extended for a period of seven months (approximately 6 months after the end of June 2026). The Tribunal was satisfied that this would ensure that the public continued to be protected, gives Dr El-Neil an appropriate time to XXX and address any continuing concerns in respect of her current impaired fitness to practise.

49. The Tribunal was of the view that in the event that XXX, she is encouraged to provide evidence to that effect as soon as it becomes available. That would assist the GMC and the MPTS to take the necessary and appropriate steps to minimise, in so far as it was possible, the impact of ongoing proceedings on XXX and protect the wider public interest as well as the particular interests of Patient A, on whom there was also an effect.

50. The Tribunal determined that the period of suspension imposed by it would take effect as soon as the current period of suspension expires.

51. Case adjourned.