

PUBLIC RECORD**Date:** 21/07/2026**Doctor:** Dr Tarun ARYA**GMC reference number:** 4020826**Primary medical qualification:** BChir 1993 University of Cambridge**Type of case**Review - Non-compliance with a performance
assessment**Outcome on non-compliance**

Non-compliance found

Summary of outcomeConditions for 12 months
Review hearing directed**Tribunal:**

Legally Qualified Chair	Mrs Stacey Patel
Registrant Tribunal Member:	Dr John Baxendale
Registrant Tribunal Member:	Dr Kamran Shahid
Tribunal Clerk:	Mr Michael Murphy

Attendance and Representation:

Doctor:	Present, represented
Doctor's Representative:	Mr Christopher Geering, Counsel, instructed by Clyde & Co
GMC Representative:	Ms Charlotte Rimmer, 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.

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.

Determination on consideration of Non-compliance 21/07/2026

The outcome of applications made at the outset of proceedings

1. At the outset of this hearing, Mr Geering made an application for the entirety of these proceedings to be held in private session. Ms Rimmer had no objection to this. As the matters under consideration relate to XXX the Tribunal considered it to be in the interests of fairness the entirety of the hearing to be heard in private in accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 (the Rules). As such, this determination will be handed down in private due to the confidential nature of matters under consideration. However, as this case concerns Dr Arya's non-compliance a redacted version will be published at the close of the hearing.

Determination on consideration of non-compliance

2. This is the fourth review of Dr Arya's case following a Medical Practitioners Tribunal (MPT) hearing which concluded on 15 September 2022.

Background

3. The General Medical Council ('GMC') opened an investigation into Dr Arya's fitness to practise following a referral from the Care Quality Commission ('CQC'), dated 17 December 2020. These concerns arose following a CQC inspection at the Queens Bower Surgery ('the Surgery'), where Dr Arya was a GP at the time. Through its inspection process the CQC identified clinical and non-clinical concerns about Dr Arya's practise.

4. On 9 November 2021, Dr Arya was directed under Rule 7(3) and Schedule 1 of the GMC Fitness to Practise Rules 2004 to undertake an assessment of his performance

(‘the Direction’).

5. On 21 December 2021, Dr Arya’s representatives sent part 1 of the performance assessment portfolio to the GMC and enclosed XXX. The GMC could not progress Dr Arya’s performance assessment while he was XXX. On 23 February 2022 and 21 April 2022, the GMC wrote to Dr Arya explaining it could consider non-compliance as a result of XXX.

6. On 18 March 2022 and 8 June 2022, Dr Arya’s GP provided letters to the GMC explaining that Dr Arya was not XXX to participate in a performance assessment. The GMC received Dr Arya’s agreement to proceed with the performance assessment, but XXX, with no indication of when he might be able to conduct the performance assessment.

7. Dr Arya was referred to a Medical Practitioners Tribunal in September 2022 (the 2022 Tribunal) for his failure to comply, in full, with the Direction because of XXX.

The 2022 Tribunal

8. The 2022 Tribunal considered that whilst there was objective evidence of XXX, there was no estimated time-frame provided by which he would be able to comply with the Direction. It found that on that basis, there was no good reason for Dr Arya’s failure to comply. The 2022 Tribunal therefore concluded that non-compliance had been found.

9. The 2022 Tribunal noted that Dr Arya said that he would comply with the requirements of the performance assessment, when XXX. It found that Dr Arya was unable to comply with the previous Direction of the GMC due to XXX, rather than due to any unwillingness. It noted that as soon as Dr Arya was able to comply, he would do so. The 2022 Tribunal imposed an order of conditions on Dr Arya’s registration, for a period of 12 months, which would address all 3 limbs of the overarching objective and allow time for XXX, and for the GMC to make arrangements for the performance assessment.

The 2023 Tribunal

10. The 2023 Tribunal considered the objective XXX evidence from XXX and acknowledged that there was no estimated timeframe within which he could comply with the Direction to undergo a performance assessment. It found no culpability on Dr Arya’s part, noting that he had continued to engage with the GMC’s investigation and the proceedings throughout. However, the Tribunal was also satisfied that there was no good reason for his

failure to comply, given that there was no realistic prospect of him participating in the assessment within a reasonable timeframe. Dr Arya did not dispute his ongoing failure to comply, and the Tribunal concluded that he had, in fact, failed to comply with the Direction.

11. Despite this, the 2023 Tribunal noted Dr Arya's ongoing engagement with the GMC and the proceedings, and that he had expressed a willingness to undertake the performance assessment, XXX. In light of ongoing concerns raised by the CQC regarding Dr Arya's practice, the Tribunal determined that a further period of conditions, varied to include the requirement to undertake a performance assessment, would meet the overarching objective of protecting the public and maintaining public confidence, while not being disproportionate. Accordingly, the Tribunal imposed conditions on Dr Arya's registration for a further 12 months and directed a review.

The 2024 Tribunal

12. The 2024 Tribunal noted the objective evidence from XXX that he had been unable to complete the performance assessment due to XXX and that there remained no estimated time frame by which he would be able to comply with the Direction. Dr Arya had continued to engage with the GMC's investigation and these proceedings and the Tribunal was satisfied that there is no culpability on his part. The Tribunal had borne in mind the non-compliance guidance and was satisfied that there was no good reason for Dr Arya's failure to comply, due to the lack of a realistic prospect of him participating in the performance assessment in a reasonable timeframe. The Tribunal also noted that Dr Arya accepted non-compliance and that there was no realistic time frame to complete the performance assessment. The Tribunal therefore concluded that non-compliance had been found. The Tribunal was also satisfied that there had been a breach of the condition of Dr Arya's registration to undergo a performance assessment.

13. The Tribunal noted that Dr Arya had been out of clinical practice for some time but he had indicated that he wished to return to work when XXX, prior to undertaking a performance assessment. The Tribunal was satisfied that there is no culpability on Dr Arya's part and there were no attitudinal concerns. The Tribunal noted that Dr Arya had complied with the current conditions, save for the requirement to undertake a performance assessment, and he was attempting to resolve matters with XXX and personal circumstances. The 2024 Tribunal therefore determined that Dr Arya's registration should be subject to conditions for a period of 12 months.

The 2025 Tribunal

14. The 2025 Tribunal took account of XXX, which indicated there is no estimated timeframe by which Dr Arya would be able to comply with the Direction. The 2025 Tribunal was satisfied that there was no culpability on the part of Dr Arya and that he has continued to engage with the GMC's investigation and MPTS proceedings. It found that there has been no material change in the position since the 2024 Tribunal hearing and that Dr Arya has still not undergone a performance assessment. As such, the 2025 Tribunal was satisfied that there was no good reason for Dr Arya's failure to comply, given there is no realistic prospect of the doctor participating in the performance assessment in a reasonable timeframe. It therefore found continued non-compliance and determined that Dr Arya's registration should be subject to conditions for a further period of 12 months.

15. The 2025 Tribunal indicated in its determination that a review tribunal would be assisted by receiving:

- Evidence of completion of the NHS England Return to Practice Programme (RtP).
- Evidence of undergoing a GMC performance assessment as directed.
- Any other information which he considers would assist the reviewing Tribunal, including information about XXX and evidence of having kept his knowledge and skills up to date.

Review Tribunal

16. This Tribunal has met to review Dr Arya's case. It has considered, under Rule 22A of the Rules, whether Dr Arya has now complied with the direction to undergo an performance assessment under Schedule 1 of the Rules, which related to Performance.

17. In reaching its decision, the Tribunal has given careful consideration to the '*Non-Compliance Guidance for medical practitioners tribunals*' (the Guidance) and all of the evidence adduced in this case. It has also taken account of the submissions made by Ms Charlotte Rimmer, Counsel, on behalf of the GMC and those made by Mr Christopher Geering, Counsel, on behalf of Dr Arya.

The Evidence

Documentary Evidence

18. The Tribunal received documentary evidence which included but was not limited to:

- CQC inspection report, dated 11 February 2020;
- CQC assessment of Queens Bower Surgery, dated 26 June 2020;
- Ms A's CQC witness statement, dated 3 December 2020;
- Dr B's CQC witness statement, dated 3 December 2020;
- Referral from the CQC, dated 17 December 2020;
- Investigation report of CQC, dated 1 February 2021;
- Final clinical review report of CQC, dated 9 May 2022;
- Email from NHS England to Dr Arya, dated 20 November 2025;
- Assistant Registrar's decision directing early review, dated 2 April 2026, due to Dr Arya not being eligible for the Return to Practise Programme and therefore unable to comply with the conditions imposed for reasons and eligibility criteria beyond his control.
- XXX.

Witness Evidence

19. The Tribunal received evidence, on behalf of the GMC, in the form of witness statements from the following witnesses who were not called to give oral evidence:

- Dr C, locum at Queens Bower Surgery, dated 28 July 2021;
- Ms A, CQC inspector, dated 26 August 2021;
- Dr B, GP specialist adviser of CQC inspection, dated 26 August 2021.

20. Dr Arya provided his own witness statements, dated 12 September 2025 and 8 July 2026.

Submissions

GMC submissions

21. On behalf of the GMC, Ms Rimmer submitted that there is continued non-compliance as Dr Arya has continued to fail to comply with the GMC's direction to undergo a performance assessment.

22. Ms Rimmer submitted that there has been no objective XXX evidence to say why Dr Arya has not complied with the direction or to suggest any realistic timeframe within

which he may be able to comply. As such she submitted that there has been continued non-compliance as a result of XXX. However, she also submitted that this case does not relate to the single issue of non-compliance but also to the nonworkability of the conditions in place for Dr Arya to complete the NHS England Return to Practice Programme before undertaking a performance assessment.

Doctor's submissions

23. On behalf of Dr Arya, Mr Geering submitted that there is no basis for the Tribunal to find non-compliance as Dr Arya will undertake the performance assessment but could not previously due to XXX, which amounts to a good reason for his previous non-compliance. He stated that Dr Arya is in a position to undertake a performance assessment now.

24. Mr Geering referred to XXX. He stated this is evidence that Dr Arya is XXX to now undertake a performers assessment XXX.

25. Mr Geering refererd to the conditions requiring Dr Arya to not work independently as a doctor until he has completed the NHS England Return to Practice Programme within 12 months of the previous Tribunal's decision and following the completion this, to undertake a performance assessment. He stated that Dr Arya was unable to complete the NHS England Return to Practice Programme as he did not meet the eligibility criteria which was evidenced in an email from NHS England to Dr Arya, dated 20 November 2025. Therefore he could not book a performance assessment through no fault of his own.

The Tribunals' approach

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

27. The Tribunal is aware that the burden of proof rests on the GMC and that it is for the GMC to prove non-compliance. Dr Arya does not need to prove anything. The Tribunal is also aware that the standard of proof is that applicable to civil proceedings, which is the balance of probabilities.

28. At this stage of the hearing the Tribunal asked itself the following question, as per paragraph C53(a) of the non-compliance guidance, namely whether Dr Arya has *'continued to fail to comply with the direction or request to provide information that led to the non-compliance order being made'*.

Tribunal's decision

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

30. The Tribunal had regard to the MPTS Non-compliance guidance ('the Guidance') and considered paragraphs A16, A17, XXX to apply in this case which state:

'A16 When considering the issue of the doctor's compliance with a GMC direction or request to provide information, the tribunal should ask the following questions: a has the doctor failed to comply with the GMC's direction or request to provide information? b if so, is there a good reason for the doctor's failure to comply?

A17 There does not need to be culpability on a doctor's part for the tribunal to conclude there is evidence that the doctor has 'failed to comply.' At this stage, the tribunal is simply considering whether there is evidence to show, as a matter of fact, the doctor has not complied with the GMC's direction or request to provide information.

XXX'

31. The Tribunal acknowledged that the condition requiring Dr Arya to complete the NHS England Return to Practice Programme was unworkable. However, it agreed with the GMC's position that this is not the only issue before it today and that the overall root of this case is Dr Arya's inability to complete a performance assessment due to XXX.

32. The Tribunal was satisfied there was no culpability on the part of Dr Arya and he has continued to engage with these proceedings.

33. The Tribunal had regard to the limited XXX evidence XXX but has not been provided with any objective evidence to detail the XXX preventing Dr Arya from undertaking a performance assessment and a likely timescale of when he could. The XXX provided does not provide a realistic timeframe for Dr Arya to undertake a performance assessment and XXX.

34. The Tribunal found that there has been no material change in the position since Dr Arya's case was last reviewed as Dr Arya has still not undergone a performance assessment. In the circumstances the Tribunal has determined that continued non-compliance has been found.

Determination on Sanction 21/07/2026

35. At the outset of this hearing, the Tribunal announced that the entirety of the hearing should be heard in private in accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 (the Rules) as the matters under consideration relate to XXX. This determination will be handed down in private due to the confidential nature of matters under consideration. However, as this case concerns Dr Arya's non-compliance a redacted version will be published at the close of the hearing.

36. Having determined that there is continued non-compliance by reason of Dr Arya's failure to undertake a performance assessment in accordance with Schedule 1 of the Rules, which relates to Performance, the Tribunal went on to consider what sanction, if any, to impose.

Submissions

GMC submissions

37. On behalf of the GMC Ms Rimmer submitted that it would be inappropriate to maintain the current order of conditions. She stated that there has been no suggestion that Dr Arya has not complied with the conditions and noted that he has engaged with the regulatory proceedings.

38. Ms Rimmer submitted that continued and long term non-compliance has frustrated the GMC's investigation and that the Tribunal should balance Dr Arya's interest with the overarching objective. She stated that allowing conditions more than five years after the GMC investigation started would not be in the interests of maintaining public confidence in the medical profession and proper standards of conduct.

39. Ms Rimmer submitted that conditions are no longer appropriate or workable and that the appropriate sanction in this case would be one of suspension. She submitted that a suspension would allow sufficient time for Dr Arya to undertake a performance assessment and that this is likely to take up to 6 months.

Doctor's submissions

40. On behalf of Dr Arya, Mr Geering stated that the previous reviewing Tribunal did not determine conditions were inappropriate and that this review is taking place due to the conditions imposed being unworkable. He submitted that the current order of conditions should be amended to make them practical and workable.

41. Mr Geering addressed the passage of time since the GMC investigation began and stated that conditions would be more than sufficient to address the risks identified in this case which could include close supervision in order to provide Dr Arya with support to return to practice.

42. Mr Geering submitted that a sanction of suspension is inappropriate and that Dr Arya is now in the best place he has been to return to practice XXX. As such, Mr Geering submitted that Dr Arya should be allowed the opportunity to return to the workplace with appropriate conditions in place.

The Tribunal's approach

43. The Tribunal reminded itself that it is not making any finding of impairment.

44. The Tribunal was mindful that the main reason for making any non-compliance order is to protect the public and that any direction is not made to punish or discipline doctors, even though they may have a punitive effect. In reaching its decision, the Tribunal has taken the Guidance into account and borne in mind the overarching objective which includes:

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

45. Throughout its deliberations and in conducting its risk assessment, the Tribunal applied the principle of proportionality, balancing Dr Arya's interests with the public interest.

The Tribunal's Decision

46. The Tribunal bore in mind its finding of continued non-compliance, along with the evidence already adduced and the further submissions of Ms Rimmer, Counsel, on behalf of the GMC and those made by Mr Geering, Counsel on Dr Arya's behalf.

Revocation of the order of conditions

47. The Tribunal first considered whether to conclude Dr Arya's case and take no further action.

48. The Tribunal determined that in view of its findings on non-compliance, it would be neither sufficient to protect the public, maintain professional standards nor in the public interest to conclude this case by revoking the order.

Conditions

49. The Tribunal next considered whether it would be appropriate to extend the order of conditions on Dr Arya's registration. It has borne in mind that any conditions must be appropriate, proportionate, workable and measurable.

50. The Tribunal bore in mind that this is the fourth review hearing and acknowledged the length of time over which this case has remained unresolved. However, it accepted that the non-compliance is due to XXX. It also noted that there remains no objective XXX evidence as to when Dr Arya will XXX undertake a performance assessment but that it has been stated during submissions that he can now undertake one. In addition, the Tribunal noted that this hearing was an early review as the previous Tribunal imposed a condition that was impossible for Dr Arya to comply with. The Tribunal therefore concluded that Dr Arya was not given the opportunity to comply with the conditions imposed on the last occasion.

51. The Tribunal acknowledged that there is a risk to public protection in this case but was satisfied that this can be mitigated with conditions along with the requirement for Dr Arya to undergo a performance assessment. It considered this to give Dr Arya a structured plan to address the concerns raised in this case whilst supporting his return to practice. The Tribunal also considered the passage of time and concluded that this risk could be allayed by requiring Dr Arya to be supervised in a clinical setting.

52. However, the Tribunal bore in mind that there is no evidence of any attitudinal concerns or unwillingness to comply. In addition, Dr Arya has engaged positively with the regulatory process and has stated that he can now undertake a performance assessment.

53. The Tribunal therefore determined that it is both proportionate and necessary in the public interest and in Dr Arya's own interests to vary the current

conditions to exclude the requirement for him to complete the NHS England Return to Practice Programme and to include the requirement for him to be closely supervised in all of his posts by a clinical supervisor.

54. The Tribunal has therefore determined that Dr Arya's registration shall be subject to conditions for a period of 12 months. The Tribunal considered that Dr Arya required this period in order to undertake a phased return to work, with the relevant safeguards in place, and to complete a performance assessment.

55. The conditions are as follows:

1. He must undertake a performance assessment within 12 months of this decision.
2. He must personally ensure the GMC is notified within seven calendar days of the date these conditions become effective:
 - a. of the details of his current post, including:
 - i. His job title;
 - ii. His job location;
 - iii. His responsible officer (or their nominated deputy);
 - b. of the contact details for his employer and any contracting body, including his direct line manager;
 - c. of any organisation where he has practising privileges and/or admitting rights.;
 - d. of any training programmes he is in;
 - e. of the contact details of any locum agency or out-of-hours service he is registered with.
3. He must personally ensure the GMC is notified:

- a. of any post he accepts, before starting it;
 - b. that all relevant people have been notified of his conditions, in accordance with condition 6;
 - c. if any formal disciplinary proceedings against his are started by his employer and/or contracting body, within seven calendar days of being formally notified of such proceedings;
 - d. if any of his posts, practising privileges, or admitting rights have been terminated by his employer before the agreed date, within seven calendar days of being notified of the termination;
 - e. if he applies for a post outside the UK.
4. He must allow the GMC to exchange information with his employer and/or any contracting body for which he provides medical services.
- 5.
- a. He must be closely supervised in all of his posts by a clinical supervisor, as defined in the *Glossary for undertakings and conditions*. His clinical supervisor must be appointed by his responsible officer (or their nominated deputy).
 - b. He must not work until:
 - i. his responsible officer (or their nominated deputy) has appointed his clinical supervisor and approved his supervision arrangements.
 - ii. he has personally ensured that the GMC has been notified of these arrangements.
 - c. He must give a report from his clinical supervisor to the tribunal at his next review hearing.
6. He must personally ensure that the following persons are notified of the conditions listed at 1 to 5:
- a. his responsible officer (or their nominated deputy)

- b. the responsible officer of the following organisations:
 - i. his place(s) of work and any prospective place of work (at the time of application);
 - ii. all of his contracting bodies and any prospective contracting body (prior to entering a contract);
 - iii. any organisation where he has, or has applied for, practising privileges and/or admitting rights (at the time of application);
 - iv. any locum or out-of-hours service he is registered with;
 - v. if any organisation listed at i) to iv) does not have a responsible officer, he must notify the person with responsibility for overall clinical governance within the organisation. If he is unable to identify this person, he must contact the GMC for advice before working for that organisation.
- c. the responsible officer for the medical performers list on which he is included or seeking inclusion (at the time of application).
- d. his immediate line manager and senior clinician (where there is one) at his place of work, at least 24 hours before starting work (for current and new posts, including locum posts).

Suspension

56. The Tribunal again bore in mind that this is the fourth review hearing and considered the option of suspending Dr Arya's licence to practise. It acknowledged the time elapsed since conditions were originally imposed on Dr Arya's registration and the increasing risk to public safety that arises from him being out of clinical practice for a significant period of time. However, it considered that a suspension would be disproportionate in this case given that no evidence has been presented to suggest that Dr Arya will not comply with any conditions imposed and that he is now able to undertake a performance assessment. In addition, Dr Arya was unable to comply with the previous conditions through no fault of his own.

Review hearing

57. The Tribunal determined to direct a review of Dr Arya's case. A Tribunal will review his case at a hearing to be held shortly before the end of the period of conditional registration. The onus is on Dr Arya to demonstrate compliance and if at any time he considers that he has fully complied, Dr Arya can make a request to the GMC for them to consider arranging an early review of the non-compliance order. The Tribunal reviewing Dr Arya's case would be assisted by receiving the following:

- Evidence of undergoing a GMC performance assessment as directed;
- Evidence he has returned to work in a clinical setting;
- Evidence of having kept his knowledge and skills up to date;
- Any other information which he considers would assist the reviewing Tribunal, including information about XXX.

58. That concludes the case.