

**Record of Determinations –
Medical Practitioners Tribunal**



PUBLIC RECORD

Date: 21/08/2018

Medical Practitioner's name: Dr Ramneet DHALIWAL

GMC reference number: 7493807

Primary medical qualification: MB BS 2015 University College London

Type of case

XXX
Review - Conviction / Caution

Outcome on impairment

XXX
Not Impaired

Summary of outcome

XXX
XXX

Tribunal:

Legally Qualified Chair	Mr Russell Butland
Lay Tribunal Member:	Dr Kevin Hope
Medical Tribunal Member:	Dr Maria Broughton
Tribunal Clerk:	Miss Emma Saunders

Attendance and Representation:

Medical Practitioner:	Present and not represented
Medical Practitioner's Representative:	NA
GMC Representative:	Mr Jeremy Lasker, 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.

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Determination on Impairment - 21/08/2018

Hearing in Private

1. At the commencement of this hearing the Tribunal agreed, in accordance with Rule 41 XXX of the General Medical Council (GMC) (Fitness to Practise Rules) 2004 as amended ('the Rules'), that the hearing should be heard in private where the matters under consideration are confidential XXX. XXX.
2. This determination will be read in private. However, in relation to Dr Dhaliwal's conviction, a redacted version of this determination will be published following the conclusion of this hearing, XXX.

Background

3. Dr Dhaliwal's case was first considered by a Medical Practitioners Tribunal in November 2017 ('the 2017 Tribunal'). This is the first review of Dr Dhaliwal's case.
4. On 23 July 2016 Dr Dhaliwal was arrested by Norfolk Constabulary following a road traffic accident in which he collided with a parked vehicle, forcing it into a shop front. Dr Dhaliwal was breathalysed and it indicated that he had exceeded the prescribed limit of alcohol. He was convicted of driving a motor vehicle after consuming an amount of alcohol exceeding the prescribed limit on 8 August 2016. He was sentenced to 12 weeks imprisonment suspended for 12 months, to pay a victim surcharge fee and disqualification from holding or obtaining a driving licence. That disqualification expires on 29 August 2018.
5. XXX
6. XXX
7. The 2017 Tribunal determined that Dr Dhaliwal's fitness to practise was impaired by reason of conviction XXX. It determined to suspend Dr Dhaliwal's registration for a period of nine months. The 2017 Tribunal concluded that this period of time was necessary to mark the serious nature of Dr Dhaliwal's conviction XXX.
8. In relation to the conviction, the 2017 Tribunal noted that Dr Dhaliwal's drink-driving was a one-off incident and it was to his credit that he pleaded guilty to the offence. The 2017 Tribunal felt it was clear that Dr Dhaliwal was developing insight.
9. XXX.
10. Dr Dhaliwal was also advised that the review Tribunal would be assisted by receiving the following:

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- XXX;
- XXX;
- XXX;
- XXX;
- Evidence that he has kept his clinical skills and knowledge up to date;
- XXX;
- XXX;
- Any other evidence he may wish to present to assist the Tribunal.

Today's Review Hearing

11. This Tribunal has today reviewed Dr Dhaliwal's case and has considered, in accordance with Rule 22(1)(f) of the Rules, whether his fitness to practise is currently impaired. In so doing it has considered the submissions made by Dr Dhaliwal and those made by Mr Lasker, Counsel, on behalf of the GMC.

Documentary Evidence

12. XXX. He spoke of his XXX return to work as a care assistant in a nursing home XXX.

13. XXX

14. XXX

15. XXX

16. XXX

GMC Submissions

17. XXX

18. With regards to Dr Dhaliwal's criminal conviction, Mr Lasker told the Tribunal that the GMC is entirely neutral on the issue of impairment and acknowledged that it was a matter for this Tribunal to determine. He stated that the period of Dr Dhaliwal's suspended sentence from his conviction had expired prior to the 2017 Tribunal hearing.

Dr Dhaliwal's Submissions

19. XXX

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20. In his submissions, Dr Dhaliwal told the Tribunal that he was still working full time as a care assistant and taking on further bank shifts too. He stated that he had undertaken a medical technician examination and assessment to ensure that he could administer medication at the nursing home.

21. Dr Dhaliwal confirmed that his driving ban is due to end on 29 August 2018. He stated that he had to complete a blood test for the DVLA and they have returned his driving licence to him. Dr Dhaliwal confirmed that there were no further steps for him to take to start driving again, apart from waiting until 29 August 2018.

22. With regard to Continuing Professional Development (CPD), Dr Dhaliwal stated that he has completed online British Medical Journal modules and undertaken some reading in his own time.

23. Dr Dhaliwal stated that he plans to apply for locum work. He is unable to resume his Foundation Year Programme and will be required to undertake his medical school final exams again before he can re-apply for the 2020 intake. Dr Dhaliwal stated that he had been in contact with his previous Deanery about possible locum posts in the future. He stated that he would prefer to stay close to home, XXX. He stated that he was waiting for the final decision of this hearing before going forward.

24. XXX

25. XXX

The Tribunal's Determination on Impairment

26. The issue of whether Dr Dhaliwal's fitness to practise is currently impaired is one for the Tribunal to determine, exercising its own judgement.

27. The Tribunal has taken into account the overarching objective in Sections 1(1A) and 1(1B) of the Medical Act 1983, namely to protect and promote the health, safety and wellbeing of the public; 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 medical profession.

28. The Tribunal noted that it should not re-open findings of fact made by the 2017 Tribunal and must consider whether all concerns raised in the original finding of impairment are sufficiently addressed to its satisfaction. The persuasive burden of demonstrating that his fitness to practise is no longer impaired falls upon Dr Dhaliwal.

Conviction

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29. The Tribunal had regard to all of the evidence before it and the submissions of both parties. It noted that Dr Dhaliwal's suspended sentence had lapsed, indeed it had lapsed prior to the 2017 Tribunal hearing. Further, Dr Dhaliwal will shortly be able to return to driving from 29 August 2018 and he has received his driving licence back.

30. The Tribunal also had regard to the cooperation and engagement with the criminal and regulatory processes that Dr Dhaliwal has shown. It concluded that XXX the level of insight he has developed mean that Dr Dhaliwal has completed the period of remedying his conduct. For those reasons the Tribunal considered the likelihood of any repetition to be very low.

31. In all of the circumstances, the Tribunal determined that Dr Dhaliwal's fitness to practise is no longer impaired by reason of his conviction.

XXX

XXX

Confirmed

Date 21 August 2018

Mr Russell Butland, Chair