

PUBLIC RECORD

Date: 07/12/2023

Medical Practitioner's name: Mr Galaa FAYED
GMC reference number: 3438389
Primary medical qualification: MB ChB 1976 University of Alexandria

Type of case	Outcome on impairment
Review - Misconduct	Not Impaired

Summary of outcome

Suspension revoked

Tribunal:

Legally Qualified Chair:	Miss Samantha Gray
Medical Tribunal Members:	Dr Keith Dunnett, Dr Janet Nicholls
Tribunal Clerk:	Ms Hinna Safdar

Attendance and Representation:

Medical Practitioner:	Present, represented
Medical Practitioner's Representative:	Mr Michael Rawlinson, Counsel, instructed by the MDU
GMC Representative:	Ms Fiona McNeil, 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 Impairment - 07/12/2023

1. At this review hearing the Tribunal now has to decide in accordance with Rule 22(1)(f) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004, as amended ('the Rules') whether Dr Fayed's fitness to practise is impaired by reason of misconduct.

Background

2. Dr Fayed qualified in 1976 at Alexandria University in Egypt. He obtained his FRCS in 1989 in Edinburgh. Dr Fayed qualified as a General Practitioner ('GP') in 1993 and started working in locum GP posts. Dr Fayed became a GP partner at a surgery in Essex in 1995 where he worked for four years. He then moved to a surgery in Staffordshire where he remained until 2002, before joining the Fisher Street Surgery ('the Surgery') which he ran as a single-handed GP. The Surgery merged with Lockstown Medical Practice in 2014 to form a new practice ('the Practice'). The husband-and-wife partners of Lockstown Medical Practice took over the day to day running of the Practice with Dr Fayed continuing to be based at the Surgery. At the time of the events in question Dr Fayed was practising as a GP at the Surgery. He ceased working at the Surgery in 2019.

2022 Tribunal

3. The allegation that has led to Dr Fayed's November 2022 hearing involved dishonesty in relation to record keeping and a number of failures in relation to two medical consultations, concerning two different patients.

4. The facts found proved at Dr Fayed's November 2022 hearing can be summarised as Dr Fayed registered under the Medical Act 1983, faced allegations related to the treatment of two patients, Patient A and Patient B. In the case of Patient A, it was determined and found proved that in October 2017, Dr Fayed failed to conduct a digital rectal examination, recorded a false examination in the patient's medical records, and was aware of the omission, leading to a dishonest action. Regarding Patient B, on October 2, 2018, Dr Fayed

failed to perform a digital rectal examination, arrange a prostate-specific antigen blood test (admitted), and conduct a urinalysis test (not proved). The practitioner did obtain a mid-stream specimen of urine (admitted). Similar to Patient A, false documentation of examination, non-performance, and dishonest actions were determined and found proved in the case of Patient B.

5. The November 2022 Tribunal determined to impose an immediate period of suspension for 12 months. It determined that this would be sufficient to mark the seriousness of Dr Fayed's misconduct and send a signal to the doctor, the profession and the public about the standards of conduct expected and how those standards will be upheld. The November 2022 Tribunal was of the view that a period of suspension would maintain public confidence in the profession, as the public would understand that he is prevented from working as a doctor for a period of time. It would protect patients as Dr Fayed would be prevented from practising. All three strands of the overarching objective can be addressed by a period of suspension. The November 2022 Tribunal also determined that the maximum period of suspension would be the appropriate sanction to reflect the seriousness of Dr Fayed's dishonest conduct.

Today's Review Hearing

The Evidence

6. The Tribunal has taken into account all the evidence received.
7. Dr Fayed provided his own witness statement dated 1 December 2023.
8. The Tribunal received a number of documents which included but was not limited to:
 - Record of Determination of November 2022 hearing, dated 21 November 2022;
 - Email to Dr Fayed and his representative enclosing Letter regarding suspension and review hearing, dated 16 February;
 - Email to Dr Fayed and his representative enclosing Letter regarding upcoming review hearing, dated 4 September;
 - Email to Dr Fayed and his representative regarding GMC contact details for upcoming hearing, dated 2 October 2023;
 - Email to Dr Fayed and his representative enclosing GMC Information Letter and Draft hearing bundle, dated 26 October 2023;
 - CPR Awareness Training certificate of achievement, dated 4 February 2023;
 - Introduction to Safeguarding Adults (Level 1) certificate of achievement safeguarding, dated 5 March 2023;

- Advanced Safeguarding Children (Level 2) certificate of achievement, dated 6 March 2023;
- Primary Care and Public Health Certificate of attendance, dated 17 May 2023;
- Safeguarding Young People certificate of completion, dated 14 June 2023;
- GP Update Refresher Masterclass for General Practitioners certificate of attendance, dated 3 July 2023;
- CPD reflections, dated 8 November 2023;
- Certificate of Attendance for Primary Care & Public Health Conference, dated 31 May 2023;
- Notes from a GP & Community Health Masterclass, dated 18 and 19 May 2023;
- Certificate of Attendance for GP Masterclass Update Refresher, dated 3 July 2023;
- Notes from a GP Refresher Class, dated 23-26 November 23;

Submissions

9. On behalf of the GMC, Ms Fiona McNeil submitted that there is a persuasive burden on Dr Fayed. She stated that, as far as the GMC is concerned, the stance adopted is a neutral one.

10. On behalf of Dr Fayed, Mr Michael Rawlinson asserted that there is a countervailing public interest in reinstating experienced and competent doctors to practice, emphasizing the difficulty for a doctor to demonstrate fitness to practice during suspension.

11. Mr Rawlinson highlighted the passage of time since the incidents and stated that the dishonesty was an aberration in an otherwise unblemished career. He also submitted that the dishonesty occurred in the context of a breakdown of relations between Dr Fayed and his partners during the events in question, and this has since been resolved, by way of litigation, in Dr Fayed's favour.

12. Mr Rawlinson submitted that since the November 2022 hearing, Dr Fayed has taken various steps, including attending various relevant courses and producing reflective statements to address the concerns raised by the previous Tribunal.

13. Mr Rawlinson submitted that Dr Fayed has the intention to reopen a GP surgery, and is presenting a concrete plan for the future. Despite acknowledging the seriousness of dishonesty, Mr Rawlinson submitted that the suspension has fulfilled its purpose and urged the Tribunal to allow Dr Fayed to return to practice, citing his developed insight, remorse, and efforts to remediate the situation.

The Relevant Legal Principles

14. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgement alone, taking into account the statutory overriding objective. As noted above, the previous Tribunal set out the matters that a future Tribunal may be assisted by.

15. At this stage the burden of proof is on the doctor to demonstrate that all of the concerns which have been identified previously have been adequately addressed and he would be safe to return to unrestricted practice.

16. This Tribunal must determine whether Dr Fayed's fitness to practise is impaired today, taking into account Dr Fayed's conduct at the time of the events and any relevant factors since then such as whether the matters are remediable, have been remedied and any likelihood of repetition.

The Tribunal's Determination on Impairment

Misconduct

17. The Tribunal had regard to all of the evidence before it. It was mindful that Dr Fayed provided the evidence that the 2022 Tribunal had indicated the reviewing Tribunal would be assisted by.

18. The Tribunal considered that the November 2022 Panel was not made aware of the details of the ongoing civil dispute between Dr Fayed and his former partners. It now had the information that Dr Fayed was owed rent by two of his former partners and the civil proceedings had ruled in Dr Fayed's favour. It determined that Dr Fayed had been reported by his former partners of two separate incidents while the environment in which he had been working was a toxic one. It could not overlook that the circumstances of Dr Fayed's previous misconduct had been within the context of a difficult working environment.

19. The Tribunal considered Dr Fayed's written reflections and further CPD. It was satisfied that Dr Fayed has further reflected and has appropriately demonstrated his understanding of the gravity and impact of his misconduct. In addition, he has undertaken targeted and relevant CPD to specifically address the deficiencies that had been identified in his practice by the 2022 Tribunal. Dr Fayed had demonstrated how he has kept his knowledge and skills up to date and explained his future plans for his new surgery. The Tribunal was satisfied that Dr Fayed had now done all that he could to demonstrate sufficient insight and

remediation into his misconduct. Further, the Tribunal bore in mind that there was no evidence before it to suggest any ongoing concerns about Dr Fayed fitness to practise.

20. Taking all of the evidence into account, the Tribunal was reassured that Dr Fayed had developed sufficient insight into and remediated his misconduct. He has appropriately maintained his knowledge and continued with GP Masterclasses to address the concerns previously identified. The Tribunal was satisfied that these steps taken by Dr Fayed made any repetition of misconduct unlikely. The Tribunal was confident that Dr Fayed could now return to unrestricted practice. It determined that returning Dr Fayed to unrestricted practice would not put patients at risk of harm and would not undermine the overarching objective.

21. This Tribunal has therefore determined that Dr Fayed's fitness to practise is no longer impaired by reason of misconduct.

22. The Tribunal bore in mind that Dr Fayed's suspension was due to expire on 26 December 2023. Given that no outstanding concerns were identified and that no further purpose would be served by maintaining this suspension, the Tribunal determined that it was in the public interest for the current order on Dr Fayed's registration to be revoked with immediate effect.

23. That concludes this case.