Record of Determinations – Medical Practitioners Tribunal

PUBLIC RECORD

Dates: 10/01/2017 – 10/01/2017
Medical Practitioner’s name: Dr Hamza Mohamed HASSAN
GMC reference number: 6036952
Primary medical qualification: Med Dip 2001 Akademia Medyczna im Piastow Slaskich
Type of case: Review - Misconduct
Outcome on impairment: Not impaired

Summary of outcome
Revoke suspension

Tribunal:
<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
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<tbody>
<tr>
<td>Medical Tribunal Member (Chair)</td>
<td>Dr Vishal Agrawal</td>
</tr>
<tr>
<td>Lay Tribunal Member:</td>
<td>Mr Chris Weigh</td>
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<td>Medical Tribunal Member:</td>
<td>Dr Pamela Crawford</td>
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<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Legal Assessor:</td>
<td>Ms Carey Johnston, QC</td>
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<td>Tribunal Clerk:</td>
<td>Miss Kate James</td>
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Attendance and Representation:
<table>
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<th>Role</th>
<th>Name</th>
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<tr>
<td>Medical Practitioner:</td>
<td>Present and represented</td>
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<tr>
<td>Medical Practitioner’s Representative:</td>
<td>Mr Chris Mellor, Counsel, instructed by RadcliffesLeBrasseur</td>
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<tr>
<td>GMC Representative:</td>
<td>Ms Louise Kitchin</td>
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Determination on Impairment - 10/01/2017

Dr Hassan:

Background

1. Your case was heard by a Medical Practitioners Tribunal in October 2016 (‘the October 2016 tribunal’) who found that your fitness to practise was impaired by
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reason of your misconduct. The October 2016 tribunal determined to suspend your registration for three months, and directed a review hearing. This is the first review hearing of your case.

Misconduct

2. At the outset of the October 2016 hearing, you admitted a number of the allegations against you. You accepted that in or around January 2012, you submitted two essays as your own work, which contained plagiarised material, which had been taken from more than one source without acknowledgement of the source. You further accepted that on 11 December 2014, you submitted a dissertation of your own work, which also contained plagiarised material, which had been taken from more than one source without acknowledgement of the source. You admitted that your actions in respect of your dissertation had been misleading and dishonest.

3. You also admitted that on 9 February 2015, during an Unfair Means meeting, you stated that surgery you underwent in July 2013 impacted on the completion of your dissertation and that most of the time, your supervisor supported you through emails as he was on his travels or was away most of the time. You accepted that these statements were untrue, known by you to be untrue, and that they were misleading and dishonest.

4. The October 2016 tribunal considered that the first instance of admitted plagiarism did not amount to misconduct. It accepted your evidence that you had not read or understood the relevant guidance because of your late start on the course. The October 2016 tribunal also considered that you may have had a different concept of use of literature, referencing and attribution, because of your cultural background. The October 2016 tribunal’s finding of misconduct related to the admitted instances of dishonesty concerning your dissertation and the 2015 Unfair Means meeting. It determined your misleading and dishonest attempt to excuse your actions in relation to the dissertation by claiming to have had significant surgery and seeking to place some blame on your supervisor for your own failings amounted to misconduct, and that it was a clear attempt by you to deflect your own responsibility for your actions.

Suspension

5. The October 2016 tribunal determined to suspend your registration for a period of three months. It concluded that your misconduct was serious, and that your actions fell below that expected of a registered medical practitioner. The October 2016 tribunal determined that a period of suspension would mark the tribunal’s disapproval of your misconduct and give a clear message to the public, to the profession and to you that such behaviour will not be tolerated. It determined a three month period of suspension would be an appropriate time to give you the
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opportunity for further reflection on your failings and to develop further insight into your misconduct.

Evidence

6. In its determination, the October 2016 tribunal stated that a reviewing tribunal may be assisted by the following, insofar as they are possible whilst being suspended from the medical register:

- evidence which demonstrates that you have continued to reflect upon your misconduct and have a deeper understanding of your misconduct, your responsibilities as a doctor and the impact of your actions on the wider public. You may find the following of assistance: advice from professional bodies of which you are a member, courses and reading on probity in the medical profession (these may be journals, online learning or courses you attend in person), and a reflective diary and/or statement setting out your learning and reflection;

- evidence of any efforts you have made to keep your medical skills and knowledge up-to-date e.g. a continuing professional development (CPD) diary or a record of any clinical shadowing you have been able to undertake during the period of your suspension;

- any further information that you think may be of assistance to a future tribunal.

7. Today, the tribunal received your bundle of documents containing:

- your reflective statement. This statement included your reflection on how you will prevent any repetition of your dishonest conduct, how you would act in the future and a description of your current level of insight;

- a list of Continuing Professional Development (CPD) courses (both clinical and specifically in relation to matters of probity) attended and courses that you are due to attend in the future;

- a reflective diary, where you reflected on what plagiarism in an academic setting means, and on how to avoid repetition. You also reflected on how serious your misconduct was and the impact it had on fellow students, the profession and the public;

- A letter from your mentor, Dr A, and a reflective summary of your meetings with her;
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- a number of testimonials originally provided to the October 2016 tribunal which attested to your good character;
- positive feedback reports originally provided to the October 2016 tribunal from colleagues and patients.

8. The tribunal has had regard to your written statement in which you stated that since the hearing in October 2016, you had ‘reflected on my actions and taken steps to learn more about the impact of my misconduct on the profession and others and to ensure that it never happens again’.

9. Within your statement you acknowledged the implications your misconduct had had on the profession, and that the GMC placed probity and honesty as a foundation to the profession. You said that ‘at the moment I am not keen to take any studies which involve academic writing such as a dissertation or thesis but in the medical field sometimes you have to do in-house presentation. I will therefore continue to learn about academic writing and referencing’. You stated that you understood what the act of plagiarism was and how it could seriously impact on public confidence in the profession. You stated that since the hearing in October 2016, you now had a mentor, Dr A, Consultant, Eltham Community Hospital and Queen Mary Hospital, Sidcup, and that you had met with her on two occasions in November and December 2016, in order to discuss issues of probity and the meaning of plagiarism.

10. Within your written statement you assured the tribunal that there would be no repetition of your misconduct. You said that you had ‘learnt your lesson’ on how serious your misconduct was, and that it had brought the profession into disrepute. You stated that in the future, you would continue to fully comply with Good Medical Practice and would maintain standards and ethics inside and outside of the medical field.

11. The tribunal has had regard to the letter dated 6 January 2017, from Dr A. She confirmed that she had been mentoring you, and understood that you had been suspended from practise by the GMC. She said that through the meetings she had had with you, she believed that ‘you truly understood the meaning of probity, honesty and integrity and its relevance to clinical and non-clinical medicine.’

Submissions

12. Ms Kitchin on behalf of the GMC, submitted that the question of whether or not your fitness to practise is currently impaired is entirely a matter for this tribunal.

13. On your behalf, Mr Mellor submitted that your fitness to practise was no longer impaired. He said that you are fully remediated and submitted that the current suspension should come to an end. Mr Mellor referred the tribunal to your
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reflective statement, along with your reflective diary, which had set out all the work you had undertaken in accordance with the October 2016 tribunal’s recommendations. Mr Mellor said that you had kept up to date with your CPD during the period of suspension and informed the tribunal that you are due to attend a further course on 17 January 2017, in relation to Law and Ethics in Clinical Negligence. Mr Mellor drew the tribunal’s attention to the testimonial evidence, which strongly suggested that your dishonesty and admitted misconduct was entirely out of character.

14. Mr Mellor stated that the 2016 tribunal concluded that you had demonstrated some insight. He stated that you had now developed full insight into the seriousness of your actions and their implication, and submitted that the tribunal could be satisfied that there was no risk of repetition. Mr Mellor further submitted that the evidence clearly demonstrates that you have continued to reflect on your misconduct and that you have a deeper understanding of your responsibility as a doctor. He said that you understood the impact your actions have had on the reputation of the profession, public confidence in the profession as well as the impact it could have on fellow students. Mr Mellor submitted that you truly appreciated the gravity of the offence and that it was now in the public interest that you are permitted to return to clinical work.

The Tribunal’s Decision on Impairment

15. Whilst the tribunal has borne in mind the submissions made, the decision as to whether your fitness to practise is currently impaired is a matter for this tribunal exercising its own judgement. In so doing, the tribunal has been mindful of the overarching objective of the GMC as set out in the Medical Act 1983 (as amended). That overarching objective involves acting:

   a. to protect, promote and maintain the health, safety and wellbeing of the public

   b. to maintain public confidence in the profession

   c. to promote and maintain proper professional standards and conduct for members of that profession.

Misconduct

16. The tribunal acknowledged that whilst it is difficult for any practitioner to demonstrate how they have remediated previous dishonest conduct, it is not impossible to do so. It is the tribunal’s view you have now come to fully appreciate the gravity of your misconduct, as evidenced in your reflective statement, where you not only accept the impact the suspension has had on you, but also importantly, the impact your behaviour has had on the profession and fellow students.
17. The tribunal considered your reflective statement and noted that within it you state:

“I have learnt my lesson on how serious my misconduct was and I understand that the GMC place probity and honesty as a foundation to the profession. They are not only interested in how I practice in a clinical setting, but also how I act in other settings in order to maintain public trust in profession. I do understand now what plagiarism is. It is the act of passing someone else’s work off as your own and if intentional, it is dishonest. I realise how seriously it can impact the public confidence in profession and also how unfair it is to fellow students who could have been disadvantaged by my actions.”

18. In particular, the tribunal has noted the letter from Dr A, dated 6 January 2017, in which she states:

“I believe that he truly understands the meaning of Probity, Honesty and Integrity and its relevance to Clinical and Non-Clinical Medicine. He is remorseful for what he has done and it is my opinion that he will not re-offend again.”

19. The tribunal was satisfied that you have addressed the concerns raised by the October 2016 tribunal. It was content that you now appreciate the gravity of your misconduct, that you have fully reflected upon it, and that you have now developed full insight into it. It has also taken account of all the CPD you have undertaken, and notes that you are booked to attend, for example, a further course on 17 January 2017, in relation to ethics. The tribunal was impressed with the remedial action you have taken in the past three months. The tribunal is satisfied that the risk of repetition is low.

20. Accordingly, and in all the circumstances, the tribunal has determined that your fitness to practise is no longer impaired by reason of your misconduct.

21. Therefore, the tribunal directs the suspension on your registration be revoked with immediate effect.

22. That concludes your case

Confirmed
Date 10 January 2017
Dr Vishal Agrawal, Chair