

Fitness to Practise Determination

The following case was heard by a Fitness to Practise Panel. It is presented here to give an example of one possible outcome of breaching a principle in *Good Medical Practice*. It is not intended to give a clear threshold between acceptable and unacceptable behaviour. Each case which comes before a Fitness to Practise Panel is judged on its own merits and assessed on the particular circumstances of the case.

Summary

The doctor's behaviour towards his colleagues was aggressive and disrespectful on a number of occasions: he shouted at a receptionist in front of patients; shouted at two female colleagues, causing them to feel threatened; and shouted at a nurse in front of a patient, upsetting the patient. The doctor also booked a holiday at short notice before telling his employers that he was unwell and unfit to work for two weeks.

Relevant paragraphs of *Good Medical Practice*

The case relates to the *Working with colleagues* section of GMP, specifically paragraphs 41, 41a-b on working in teams, 46 on respect for colleagues and 48 on arranging cover. It also relates to the *Probity* section, specifically paragraph 56 on being honest and trustworthy.

Determination on impaired fitness to practise

"Dr X: The Panel has considered, on the basis of the allegations found proved, whether your fitness to practise is impaired under section 35C(2)(a) of the Medical Act 1983 (as amended). It has again taken account of all the evidence presented, Ms C's submissions on behalf of the General Medical Council (GMC) and Mr L's submissions on your behalf. It has considered the advice of the Legal Assessor, including his advice that it is a matter of judgement for this Panel to decide whether your fitness to practise is impaired.

The Panel has found proved that between [date removed] and [date removed] you were a salaried General Practitioner employed by AAA in the XXXX at the XXXX Surgery.

On or about [date removed], after a patient had been sent into your consulting room, you left your consulting room and started shouting at a receptionist,

Ms Y, asking why she had sent the patient into your consulting room. In particular you shouted words to the effect “Why have you sent this patient into my room. Are you deaf? Are you listening to me?” in front of patients in the waiting room. As a result of your behaviour, Ms Y became upset. The Panel found your conduct in this regard to be inappropriate, unprofessional and likely to cause alarm and distress.

On [date removed] the Strategic Manager of AAA, Ms Z telephoned you to remind you that under your contract of employment you should not keep monies received from patients, but that these should be passed on to AAA. You put the telephone down on Ms Z before the conversation had ended. The Panel has found that to be inappropriate and unprofessional. You subsequently received a letter from Ms Z dated [date removed] regarding your contractual obligations including private income derived from insurance reports, private sick notes and passport applications.

On [date removed] Ms Z attended the XXXX Surgery with Ms A, another Strategic Manager, and you agreed to a meeting. During the meeting you became angry and verbally aggressive and raised your voice. You told Ms Z that she had no right to tell you what to do, asked about her educational background, stated that you did not respect her and said words to the effect that she was “nothing”. At one stage during the meeting you stood up and pointed your finger at Ms Z. Your conduct caused her to feel threatened, and both Ms Z and Ms A to feel frightened that you might strike out. When Ms A asked if there was anything that they could do to sort out the issue, you put the palm of your hand to her face and said to her words to the effect “be quiet madam”, and “do you know who I am, I have the earnings potential of £150,000 per annum”. You then told Ms Z and Ms A that it was their fault that you had become angry and shouted. The Panel found your conduct in this regard to be inappropriate, unprofessional and likely to cause alarm and distress.

On [date removed], Ms Y, a receptionist, went into your consulting room with a patient's file, as she understood that you had agreed to see this patient whenever he was feeling unwell. You told her in a raised voice that you were not going to see any more patients. Ms Y told you that the manner in which you spoke to her was unnecessary. She left the patient's file on your desk and started to leave your room. As she was leaving the room, you threw the patient's file at her which just missed her head. As a consequence Ms Y became upset. The Panel found your conduct in this regard to be inappropriate, unprofessional and likely to cause alarm and distress.

On [date removed] you were working at the XXXX Surgery. Your wife, Mrs X, who was also employed at the surgery, presented to Ms B, Practice Manager, a booking form applying on your behalf for you to go on a study day on [date removed]. You had not advised AAA prior to [date removed] of your intention. Shortly afterwards Ms B informed you that all study days needed to be booked in advance and approved by AAA. In responding to Ms B your behaviour was rude and aggressive. You got up from your chair and moved towards Ms B in a manner that made her fear you might strike her. The Panel

found your conduct in this regard to be inappropriate, unprofessional and likely to cause alarm and distress.

On [date removed] you discussed with Mrs C, Nurse Consultant, in front of a patient, the management of the patient's shortness of breath. Mrs C tried to explain to you that you had been dealing with the patient's management. You became angry in front of the patient, telling Mrs C to deal with it and as a result of your behaviour, the patient present in the room became upset. The Panel found your conduct in this regard to be inappropriate, unprofessional and likely to cause alarm and distress.

Your conduct over this period caused Ms D, a receptionist, to feel apprehensive to go into your room in case you might speak sharply or abruptly at her. The Panel found your conduct in this regard to be inappropriate, unprofessional and likely to cause alarm and distress.

On 21 April XXXX you booked flights to [overseas], with onward flights to [overseas], for yourself and wife to travel on 26 April XXXX, returning to the United Kingdom on [date removed]. In booking the flights on 21 April, you did not provide adequate notice of your intention to travel to XXXX to the directors of AAA.

At or about 13:00 on 25 April XXXX you met with Ms D and Ms E, the directors of AAA ("the directors") and told them that you were unfit to continue work due to ill health. You told the directors of AAA that your diabetic and blood pressure control was poor, that your blood sugar level was over 30mmol/l, and that you had ketones in your urine.

You gave the directors of AAA a note written by you stating that you were unfit to work for two weeks, were making arrangements to see your GP and would produce a medical certificate. At or about 13.53 hours, your own GP faxed through a medical certificate, dated 25 April XXXX, stating that you should refrain from work for two weeks. At the time you wrote the note, and met with the directors of AAA, you did not provide the directors with an accurate and full account of your medical condition and intention to travel. In particular, you did not inform them that a flight had already been booked on 21 April XXXX for you and your wife to travel to XXXX on 26 April XXXX; you did not inform them that you would not be recuperating at home; you did not inform them that you would be out of the country for the next two weeks; and you did not inform them that you had already seen your GP the previous day. The Panel found your conduct in this regard to be dishonest, misleading and unprofessional.

As a result of telling the directors of AAA that you were unfit for work, they had to make arrangements for cover of your surgery commitments for the following two weeks. It was only by chance that your trip to XXXX was discovered by AAA, which led to the Directors witnessing on 26 April XXXX, you and your wife checking in at XXXX Airport on to XXXX Flight XXX to XXXX Airport.

In determining whether your fitness to practise is impaired, the Panel has considered the GMC's Indicative Sanctions Guidance (April 2005). In particular, at paragraph 11 it states:

“Neither the Act nor the Rules define what is meant by impaired fitness to practise but for the reasons explained below, it is clear that the GMC's role in relation to fitness to practise is to consider concerns which are so serious as to raise the question whether the doctor concerned should continue to practise either with restrictions on registration or at all.”

The Panel has also considered the GMC's Good Medical Practice (Sept 2001) and in particular paragraph 36 “Working in teams” states:

“Healthcare is increasingly provided by multi-disciplinary teams... When working in a team you must:

- *respect the skills and contributions of your colleagues;*
- *communicate effectively with colleagues within and outside the team.”*

The Panel also considered paragraph 19 “Maintaining trust” which states:

“Successful relationships between doctors and patients depend on trust. To establish and maintain that trust you must:

- *be polite, considerate and truthful...*
- *be readily accessible to patients and colleagues when you are on duty.”*

The Panel is of the view that the staff and patients at AAA were entitled to expect a reasonable standard of courtesy and manners from you. However, your conduct and behaviour as detailed above, on occasions left members of staff upset or in tears, feeling apprehensive and afraid. You shouted at staff in front of patients on two occasions. Your actions left not only those staff who had been shouted at by you, but also those who had not, afraid to approach you in their day to day duties at the surgery. Further, you demeaned, and questioned the authority of, your colleagues at AAA. The Panel is of the view that as a result, the team for which you were responsible as the lead clinician, could not work effectively. It has determined that your behaviour was seriously in breach of the standards of conduct set out in Good Medical Practice.

The Panel noted that Good Medical Practice also states that

“In particular as a doctor you must...

- *be honest and trustworthy”.*

The Panel is in no doubt that the dishonesty which has been found proved is serious.

The Panel is aware of its responsibility to protect the public interest, particularly with reference to maintaining public confidence in the profession

and upholding proper standards of conduct and behaviour. The public are entitled to expect that doctors will be honest and trustworthy at all times. The Panel determines that your actions fell seriously short of the standards of behaviour the public are entitled to expect from doctors and seriously undermines public confidence in the profession.

In all the circumstances, the Panel has, pursuant to Section 35C(2)(a) of The Medical Act 1983, as amended, concluded that having regard both to your conduct and relationships with colleagues, and to the acts of dishonesty with your employers, your fitness to practise is impaired by reason of your misconduct.”