

Minutes of the Investigation Committee (Oral hearing)

Date of hearing: 29 May 2024

These minutes will be published on the [GMC IC Decision webpage](#).

Name of Doctor	Moawia Mohamed
Doctor's UID	7694944

Outcome	Warning given
Hearing location:	Held virtually via MS Teams

Committee Members	Ian Kennedy (Chair – Lay)
	Zahir Mohammed (Medical)
	Antoinette Foers (Lay)

Legal Assessor	David Mason
Panel Secretary	Gareth Eaton

GMC Representative	Andrew Molloy, Counsel
Doctor's attendance	Dr Mohamed did not attend
Doctor's representative	None

1. At today's hearing the Investigation Committee carefully considered all the material before it. This included submissions Dr Mohamed made both during the police and separate GMC investigations, and those made orally on behalf of the GMC by Mr Molloy. The Committee has accepted the advice of the Legal Assessor.

Proof of service and proceeding in absence

2. As Dr Mohamed is not in attendance today, the Committee has determined whether notice of this hearing has been effectively served to him in accordance with Rule 40 of the GMC (Fitness to Practise Rules) 2004 ('the Rules') and whether it can proceed in his absence in accordance with Rule 31 of the Rules.
3. The Committee has had sight of a 'Proof of Service' bundle provided by the GMC which Mr Molloy submits demonstrates the GMC has made all reasonable efforts to serve Dr Mohamed notice of this hearing in accordance with the Rules. Dr Mohamed replied and acknowledged receipt. Mr Molloy submits the documents provided in the bundle demonstrate that Dr Mohamed is aware of the date and time of today's proceedings, however he has not attended. Mr Molloy submits that the Committee should therefore proceed in his absence.
4. The bundle shows that Dr Mohamed was sent the Notice of Hearing letter on 17 April 2024, both to his registered email address and by post to his registered address. Dr Mohamed acknowledged receipt of this letter by way of an email dated 18 April 2024. The GMC wrote to Dr Mohamed again on 1 May 2024 under rule 34(9) of the Rules, providing him with the information it intended to put before this Committee and requesting his comments. Dr Mohamed was again contacted requesting a response on 3 May 2024 and he replied by email on the same date confirming he had received the information. The Committee notes that the email address Dr Mohamed replied from is one that he has previously used to initiate contact with the GMC during the investigation.
5. The Committee is satisfied that notice of this hearing has been adequately served in accordance with the Rules and that Dr Mohamed is aware of today's proceedings. The Committee is satisfied that there is no information before it which suggests the hearing should be postponed due to Dr Mohamed's non-attendance and therefore determines it is fair and appropriate to proceed in his absence.

Background

6. On 17 January 2023 Nottinghamshire Police ('the police') notified the GMC that Dr Mohamed had been due to appear in court on 14 October 2023 in relation to charges of possession of a loaded or unloaded air weapon in a public place and possession of a class B controlled drug (cannabis/cannabis resin) on 24 May 2022.

7. On 12 April 2023, Dr Mohamed was convicted of possession of a firearm in a public place. The charge of possession of a class B controlled drug was withdrawn by the Crown Prosecution Service.
8. The circumstances of the incident are that on 24 May 2022 Dr Mohamed was arrested following a report to the police by a member of the public that they had observed a man with an air rifle in a churchyard. When searched at the police station, Dr Mohamed was found to have a small quantity of cannabis in his pocket.
9. Following his arrest, Dr Mohamed was released by the police under investigation without bail conditions. In September 2022 he was notified by post to the UK address he had given to the police that he had been charged with the offences and summoned to appear in court on 14 October 2023. However, at that time Dr Mohamed had travelled overseas and was unaware of the charges against you. Dr Mohamed became aware of the charges when he attempted to travel to the UK but was denied travel due to an outstanding arrest warrant for failure to attend court.
10. Dr Mohamed subsequently contacted the court, following which the arrest warrant was cancelled and the court hearing rescheduled for 12 April 2023. Dr Mohamed pleaded guilty to possession of an unloaded air weapon in a public place. The charge for possession of a controlled class B drug was withdrawn on public interest grounds.
11. On 16 February 2024 the GMC wrote to Dr Mohamed in accordance with Rules 7 and 11 of the Rules informing him that they were minded to issue a warning. Dr Mohamed replied on 19 March 2024 informing the GMC that he did not accept the warning and wished to exercise his right to have the matters heard before this Committee.

GMC Submissions

12. At today's hearing, Mr Molloy, on behalf of the GMC submitted that it was an appropriate and proportionate response to issue Dr Mohamed with a warning in this case. He said on 24 May 2022 Dr Mohamed had in his possession a quantity of cannabis. Additionally, on 12 April 2023 Dr Mohamed was convicted of having an unloaded air weapon in a public place on 24 May 2022 without lawful authority or a reasonable excuse.
13. Mr Molloy submitted this behaviour does not meet with the standards required of a doctor. It risks bringing the profession into disrepute and it must not be repeated. The required standards are set out in *Good medical practice* and associated guidance. In this case, paragraph 65 of *Good medical practice (2013)* is particularly relevant: You must make sure that your conduct justifies your patients' trust in you and the public's trust in the profession. Mr Molloy submitted that whilst these failings are in themselves not so serious as to require any restriction on Dr Mohamed's registration, it is necessary in response to issue this formal warning.

Doctor's Submissions

14. When interviewed by the police following his arrest, Dr Mohamed stated that he had taken the air rifle to the church yard to practice his shooting. He said that he had read online that it was legal to shoot an air rifle in public so long as no members of the public were within 50 metres. Dr Mohamed said it was his intention to shoot the air rifle at a tree, however he did not shoot it before the police arrived. In respect of his possession of cannabis, Dr Mohamed said he had not been smoking cannabis on the day of the incident, but did smoke it for medicinal purposes though hadn't smoked it for 6 months.
15. In his reply to the GMCs letter offering him a warning, Dr Mohamed said that he did not accept that should be the case. Dr Mohamed said it would be very damaging for him as he was already struggling to find a job during the war in his country, and he was the main provider for his family. Dr Mohamed said that the incident was a mistake, it was out of ignorance that he had taken the air rifle to a public place and the police had dismissed the cannabis charge. Dr Mohamed said he had a certificate of good standing in medical practice in Sudan and had no criminal record. He said that he had been practising in the UK for 4 years without any complaints and provided a letter from Nottingham University Hospitals NHS Trust regarding his employment with them. Dr Mohamed said that he had lost his job due to this incident.

Committee Decision

16. The Committee is grateful to GMC Counsel for taking them through the details of the case and to Dr Mohamed for his written responses during the GMC investigation. It drew no adverse inference from Dr Mohamed's non-attendance today.

Determination on the Facts

17. The Committee has regard to the certificate of conviction issued on 12 April 2023 for possession of a loaded / unloaded weapon in a public place. The Committee also notes that the charge in relation to the possession of cannabis was withdrawn by the Crown Prosecution Service, however Dr Mohamed has admitted to being in possession of cannabis on the 24 May 2022 and gave an indication of cannabis use 6 months prior to this date.
18. The Committee is therefore satisfied that the evidence before it is sufficient to conclude, on the balance of probabilities, that the alleged events of 24 May 2022 occurred and the facts are proved.

Realistic Prospect Test

19. In accordance with the GMC Guidance on Warnings, the Committee first satisfied itself that there is no realistic prospect of establishing that Dr Mohamed's fitness to practise is impaired to a degree requiring action on his registration. Whilst the Committee found that the realistic prospect test is met from an evidential perspective with regards to Dr Mohamed's conviction and his possession of cannabis, it determined that these matters are not so serious for there to be a realistic prospect of a finding of impaired fitness to practise.

Determination on a warning

20. Having concluded that the realistic prospect test is not met, the Committee considered whether a warning would be appropriate and proportionate in this case.
21. The Committee is aware that the GMC has a legal duty to protect the public. The Medical Act 1983 splits this duty into three distinct parts and requires the GMC to act in a way that:
- protects, promotes and maintains the health, safety and wellbeing of the public ('patient safety')
 - promotes and maintains public confidence in the profession
 - promotes and maintains proper professional standards and conduct for members of the profession.
22. In addition to the part warnings play in maintaining public confidence and upholding standards for the profession, they also serve to formally indicate to a doctor the behaviour or performance that has significantly departed from the professional standards expected and should not be repeated. The GMC Guidance on Warnings states that they should be viewed as a deterrent. They are intended to remind the doctor that any repetition of the given conduct is likely to result in a finding of impaired fitness to practise and restrictions being placed on their registration.
23. The Committee considered whether the concerns are sufficiently serious to warrant a formal response, in the form of a warning, in the interests of upholding the second and third limbs of the GMCs legal duty. In determining this, and in line with the GMC Guidance on Warnings, the Committee considered whether:
- a) there has been a clear and specific breach of the professional standards
 - b) the conduct, behaviour or performance approached, but just fell short of, that which would pose a risk to public protection
 - c) a repetition of the given conduct is likely to elevate the seriousness to a degree where Dr Mohamed would pose a risk to public protection and restrictive action by the GMC would be necessary.

The Committee's role is not to review the case examiners' decision on whether a warning is appropriate, but to consider the matter afresh.

24. The Committee finds that Dr Mohamed's conviction of being in possession of a firearm in a public place constitutes a clear and significant breach of the standards expected of a doctor. Furthermore, the Committee finds that Dr Mohamed's conduct in being in possession of cannabis also constitutes a clear and significant breach of the standards expected of a doctor. The Committee also finds it concerning that Dr Mohamed admitted to smoking cannabis whilst registered as a doctor.

25. The Committee notes that Dr Mohamed has said the incident was a mistake and that he has no previous fitness to practise history or previous convictions. The Committee has also noted the impact that Dr Mohamed says a warning will have on his ability to find work.
26. The Committee is however concerned that the level of insight into these matters appears low and it is not convinced by the evidence before it that Dr Mohamed appreciates the seriousness of his conduct in relation to both the firearms offence and possession of a class B controlled drug.
27. The Committee determines that it would present an on-going risk to the safety and the wellbeing of the public should it conclude the case with no further action.
28. Taking all the evidence into account and weighing up the interests of the public with Dr Mohamed's interests, the Committee determines that it is an appropriate and proportionate response to issue a warning in this case. The Committee considers this response necessary to maintain public confidence in the profession and promote proper professional standards of conduct for members of the profession. The Committee therefore determines to issue Dr Mohamed with the following warning:

On 24 May 2022, Dr Mohamed had in his possession a quantity of cannabis.

Additionally, on 12 April 2023 Dr Mohamed was convicted of having an unloaded air weapon in a public place on 24 May 2022 without lawful authority or reasonable excuse.

This behaviour does not meet with the standards required of a doctor. It risks bringing the profession into disrepute and it must not be repeated. The relevant required standard is set out at paragraph 65 of Good medical practice (2013) and paragraph 81 of Good medical practice (2024):

'You must make sure that your conduct justifies your patients' trust in you and the public's trust in the profession'.

Whilst these failings are in themselves not so serious as to require any restriction on Dr Mohamed's registration, it is necessary in response to issue this formal warning.

This warning will be published on the medical register in line with our publication and disclosure policy, which can be found at www.gmc-uk.org/disclosurepolicy .

That concludes the determination of the Investigation Committee in this case.

Ian Kennedy

Investigation Committee Chair