# Public Minutes of the Investigation Committee

**Date of hearing:** 06 January 2022

<table>
<thead>
<tr>
<th>Name of Doctor</th>
<th>Dr Kainaz Singh</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doctor’s UID</td>
<td>6064385</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committee Members</th>
<th>Mr Pradeep Agrawal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dr Nitisha Patel</td>
</tr>
<tr>
<td></td>
<td>Ms Toni Foers</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal Assessor</th>
<th>Mr David Mason</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Panel Secretary</th>
<th>Ms Gemma Wolstenholme</th>
</tr>
</thead>
</table>

## Attendance and Representation

<table>
<thead>
<tr>
<th>GMC Representative</th>
<th>Mr Chris Hamlet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doctor's attendance</td>
<td>attended</td>
</tr>
<tr>
<td>Doctor's representative</td>
<td>Mr Alan Jenkins</td>
</tr>
</tbody>
</table>

## Outcome

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Warning</th>
</tr>
</thead>
</table>
Determination

Dr Singh,

1 At today’s hearing the Investigation Committee carefully considered all the material before it including the submissions made by Mr Alan Jenkins on your behalf and those made on behalf of the GMC by Mr Chris Hamlet. It has accepted the advice of the Legal Assessor.

Background

2 At the time of the allegations in July 2019, you were undertaking a postgraduate clinical professional development short course programme at University College London.

3 On 31 October 2019, Professor Ann Griffin, chair of board of examiners responsible for programme at University College London (UCL), referred you to the GMC after a UCL divisional panel concluded that you had committed plagiarism.

4 An assessment by TN, a Senior Clinical Skills Tutor at UCL, stated that the automated plagiarism checker (Turnitin) had indicated that 77% of your assignment was plagiarised. TN had reviewed the allegedly plagiarised material highlighted by Turnitin and assessed that 45% of your assignment was quite severe and pretty major plagiarism.

5 The Case Examiners made the decision to refer the case to a medical practitioner’s tribunal on 30 July 2020.

6 On 24 June 2021 the Case Examiners decided to withdraw this matter from consideration by a medical practitioner’s tribunal and to refer it to Case Examiners to consider a warning.

7 Following the conclusion of the investigation process, the GMC wrote to you on 10 August 2021 to inform you that the Case Examiners were minded to issue you with a warning.

8 You replied to a say that you would not accept the warning and instead, requested the case be heard by the Investigation Committee (IC).

9 On 14 October 2021, the GMC responded to acknowledge you were not prepared to accept the warning and that the Case Examiners have considered your comments and decided to refer the matter to the Investigation Committee.
Mr Hamlet, on behalf of the GMC, took the Committee through the history of the case as outlined above.

Mr Hamlet submitted that plagiarism represents a significant departure from the standards expected of doctors. Any finding of plagiarism is likely to affect public confidence in doctors and will call the individual doctor's fitness to practise into question.

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 (GMP) and associated guidance. In this case, paragraph 65 of GMP is particularly relevant:

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

Mr Hamlet stated that, had your submission led to a qualification closely connected with your work, the Case Examiners would very likely have maintained that there was a realistic prospect of establishing impairment as this would have entailed both potential financial benefit in the form of career progression and risk to patients.

Mr Hamlet explained that in withdrawing the case from tribunal, the Case Examiner noted that the alleged dishonesty relates to a single assignment and there was no evidence of financial benefit.

Mr Hamlet drew the Committee's attention to the statement given by TN. TN stated that 45% is an extremely high level of plagiarism, that it is usually accepted up to 35% at the highest and an amount above this would lead a marker to have concerns. In her view the plagiarism was quite severe as just under half of the assignment was not your own.

Mr Hamlet stated that you completed a declaration of ownership, which verified that content, and that by knowing the document contained plagiarised material, therefore made a false declaration. Mr Hamlet stated that you have denied any dishonesty and that you submitted you did not consider the declaration you signed to be untrue and that you had been reckless but not dishonest.

Mr Hamlet advised that in your Rule 7 response, you were uneasy about the wording of the warning. Insofar that it would make your actions appear dishonest, as you appeared to be using plagiarism as a means to obtain a qualification dishonestly. Mr Hamlet submitted that there is no reference to dishonesty in the wording of the proposed warning, and that the current warning accurately reflects your actions.
Opening Defence Submissions

17 Mr Jenkins advised that this experience has been very stressful, and you now understood the need for further support should you want to study further in the future. You had difficulty in accessing materials and that there were mitigating issues around family health issues. Mr Jenkins stated you stated you tried your best and that you now know the proper reference process. You had apologised for your conduct.

18 Mr Jenkins explained that the course was your first academic study outside of India and the assignment in question was your first postgraduate assignment. Mr Jenkins submitted that when you signed the declaration you thought that you had complied with what was required in terms of attribution, therefore Mr Jenkins submitted that you had been careless but not dishonest.

19 It is accepted that you did not cite all of the quotations ‘explicitly and clearly’ and to that extent your declaration was untrue however it is denied that you knew that you were making an untrue declaration at the time. Mr Jenkins stated that you now recognise that the reader may have perceived parts of the assignment as being your work when they were not and submitted that this lack of clarity and referencing knowledge on your part amounted to plagiarism albeit unintentional.

20 Mr Jenkins submitted that you did not understand the referencing process and what this entailed. That you understood plagiarism to be copying something and saying it was your own work and when asked if you thought your work included plagiarism, you had said that you thought what had been written was referenced. Mr Jenkins submitted that you now describe your previous understanding of plagiarism as inaccurate and academically naïve. He stated that you have since researched plagiarism and reflected on this incident; you recognised now that you should have used quotation marks to make it clear which parts of the text were your own material, and which were from source materials.

21 Mr Jenkins stated that you have since completed an online plagiarism course provided by the university and submitted that as a result of your remediation, you now understand the importance of plagiarism to academic integrity. He submitted that there was no risk of repetition.

22 Mr Jenkins submitted that employers would be given full detail of a warning on request for the remainder of your career. The current terms of warning being so brief and lacking in particulars, would give the impression that you had been dishonest and does not make it clear that you wouldn’t have gained an advantage.

23 Mr Jenkins considered it necessary to give you the opportunity to give evidence as there is an allegation of dishonesty, albeit low-level, which is contested. This was accepted by GMC Counsel and agreed by the Committee, you were given the
opportunity to choose to affirm or give oath via a religious text. You gave a General Affirmation.

Defence Examination

24 Following the questions posed by Mr Jenkins, you gave a background of your training. You stated that you undertook this course during a period of great personal stress where you also worked full time, whilst trying to complete the module at night time.

25 Your reasons for undertaking the course were to ascertain if you were able to undertake further courses of its kind. It became clear to you that whilst undertaking this module you were unable to keep up due to the other personal circumstances occurring at this time. You eventually withdrew.

26 You advised that you have reflected on your conduct at length with colleagues, this is evidenced in the numerous positive testimonials provided today.

GMC Cross Examination

27 Mr Hamlet submitted that on the basis that the GMC position is clear, that your conduct is one of low level dishonesty and because that is contested by you, no cross examination is required.

28 The Committee went on to clarify with you, the nature of your training and that previously you had not been required to write an assignment like this. You also advised that at the time of submitting the assignment, when completing the declaration, you believed what you had done was correct and that you thought you understood the guidelines.

29 You ticked the boxes in order to submit your assignment. You thought you had referenced correctly and did not know this to be untrue at the time of submission.

30 You submitted that you read the question and confirmed you had read and understood the guidance on plagiarism but subsequently agree this was not correct. You admitted that you crossed the box in order to submit the assignment rather than that you understood the guidelines correctly.

Closing GMC Submissions

31 Mr Hamlet submitted that it was disputed that your statement was not dishonest. Your accepted plagiarism is considered as dishonesty, whether deliberate or unintentional. Mr Hamlet submitted this conduct is below the threshold of finding impairment in recognition of the features described by Mr Jenkins. Whilst the conduct is below the threshold of a finding of impairment, it is not below the threshold of any formal response.
32 Mr Hamlet agreed that the level of dishonesty is at the lower end of the scale. However even if it is agreed you had acted carelessly about both the plagiarism and the declaration, the conduct would still affect public trust, as it is of note that 45% of the assessment was plagiarised. Mr Hamlet surmised that this is termed ‘major plagiarism’ which is indeed dishonest and grossly reckless.

33 Careless or not, Mr Hamlet submitted your conduct amounted to significant departure as it falls ‘squarely in the category’ of the conduct that warrants a formal response by way of a warning and were it to be repeated, would amount to a finding of impairment.

34 Mr Hamlet submitted that not bothering to read carefully the declaration you were signing, was unacceptable and warrants a formal response to highlight to the wider profession that this type of conduct is unacceptable.

35 Mr Hamlet submitted that in all of the circumstances of this case and notwithstanding any mitigation present, a warning was necessary and proportionate. Your conduct did not meet the standards expected and a warning would serve to maintain the public’s confidence in the profession, promote the standards expected of a doctor and send a message to the wider profession that such conduct is not acceptable. In regard to the wording, Mr Hamlet submitted that its current format accurately reflects your conduct.

Closing Defence Submissions

36 Mr Jenkins submitted that your conduct was naive and may have been sloppy, but it wasn’t dishonest, and it wasn’t deliberate. He submitted that it was clear you attempted to acknowledge the authors, but did not attribute their work in the proper way.

37 Mr Jenkins submitted that you do not accept you knew that the assignment contained plagiarised material and you did not know this to be true. Your actions were unintentional therefore you should not be receiving a warning on the basis of these allegations.

38 Mr Jenkins referred to the guidance on warnings conduct which has been found ‘proved’ that amounted to a significant departure from GMP would be appropriate for a warning to be issued. Mr Jenkins stated that ‘the key issue which has been repeated by you [the doctor] today’ is that the statement you signed was untrue, however ‘you did not know this at the time of submission’.

39 Mr Jenkins submitted that, whilst you have accepted that this conduct was wrong, you clearly made a mistake. Mr Jenkins stated that this behaviour did not amount to such a ‘sufficiently significant’ departure from GMP that a warning is an appropriate or proportionate response. It does not fall just below the threshold for a finding of impairment; therefore, your conduct does not meet the test for a warning to be issued today.
40 Mr Jenkins reiterated that there was no risk of repetition, noting the mitigation provided. In summary, Mr Jenkins submission was that in all the circumstances, your conduct did not fall below the standard expected to a degree requiring a warning and further that any warning given today would be a disproportionate response.

Committee Determination

41 The Committee had accepted the advice of the Legal Assessor which also cited Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] in relation to allegations of dishonesty.

42 At the outset the Committee wish to acknowledge that your conduct happened at a time that you were under great personal stress and wished to ensure you that this has been taken into account.

43 The Committee is aware that it must have in mind the GMC’s role of protecting the public, which includes:

   a. Protecting, promoting and maintaining the health, safety and well-being of the public
   b. Promoting and maintaining public confidence in the medical profession, and
   c. Promoting and maintaining proper professional standards and conduct for members of that profession.

44 The Committee first took into the consideration the allegations of dishonesty in this case. The Committee found your actions grossly careless rather than intentionally dishonest. It noted that there are no public safety concerns however that public trust is engaged in regard to your carelessness.

45 The Committee has concluded that in this case your actions breach Paragraph 65 of GMP. It has seen evidence before it today that you have been found to have submitted an assignment which contained 45% of plagiarised material. This represents a clear and specific breach of Paragraph 65 of GMP.

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

46 The Committee accepts there is no definition of ‘significant’ in the Medical Act or in the Fitness to Practice Rules, however, your submission of an academic assignment which contained plagiarised material, represented a significant departure from GMP Paragraph 65 as it does not meet the standards expected of a doctor and could serve to damage the public’s trust and confidence in the profession.
Furthermore, the Committee found it an aggravating factor that you carelessly signed a declaration with no proper due care. This was not a tick box for you to submit your assignment and it is not acceptable for a registrant to behave in this manner. The Committee determined that you ticked the box to submit the assignment rather than taking any steps to fully understand what you were declaring.

The Committee must be satisfied that the particular conduct, behaviour or performance approaches, but falls just short of, the threshold for the realistic prospect test. The realistic prospect test requires a genuine possibility of a finding of impaired fitness to practise, justifying action on the doctor's registration. The Committee is satisfied that the realistic prospect test in this case is not met. The Committee found your conduct to be extremely careless rather than intentionally dishonest, there is no evidence before it today that you are currently impaired by way of your misconduct.

The Committee has determined that the concerns displayed are sufficiently serious that if there were repetition, they would likely result in a finding of impairment. Repetition of your behaviour could affect patient and public confidence in the profession and the reputation of the profession. Therefore, for the reasons above, the test for issuing a warning is met and indeed appropriate in this case.

In deciding whether it is appropriate to issue a warning, the Committee must apply the principle of proportionality and balance the interests of the public with those of the practitioner.

The Committee accepted the personal mitigation present in this case. You have since completed an online plagiarism course provided by the university. The Committee has had sight and taken into account the many testimonials that attest you are a character of good standing. The Committee accepted that this is an academic error that you have made, albeit a serious error.

Whilst the Committee cannot be satisfied that there is no risk that something similar may happen again, your insight and remediation encourages the Committee that this risk is greatly reduced. The Committee were satisfied that both the investigation process and your attendance at today's proceedings are a salutary lesson in itself, ensuring that your conduct is very unlikely to be repeated.

The Committee determined that a warning is unlikely to affect your career prospects. Certainly, the positive testimonials seen today attest to your current healthy work relationships with your colleagues. You have a substantive consultant post, and the Committee sees no detriment to your career by issuing you with a warning today.

The Committee has taken into account the stress you were under but concluded that on this occasion, the aggravating factors outweighed the mitigating factors. Despite the mitigation presented, the finding of plagiarism runs the risk of damaging public
confidence in the profession and does not meet with the standards required of a doctor. A registrant must know their limitations and ask for help when needed.

55 The Committee has determined that a warning would be appropriate and proportionate in this case to maintain the public’s confidence in the profession, promote the standards expected of a doctor and send a message to the wider profession that this conduct is not acceptable.

56 The Committee took into account the wording of the warning as highlighted by Mr Jenkins and determined that the proposed warning accurately and clearly reflects your conduct.

57 The warning will be documented as follows:

’On 23 July 2019, you submitted an academic assignment which contained plagiarised material.

This conduct 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 is particularly relevant:

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

Whilst this failing in itself is not so serious as to require any restriction on your registration, it is necessary in response to issue this formal warning.

This warning will be published on the List of Registered Medical Practitioners (LRMP) 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.