

## PUBLIC RECORD

Date: 10/09/2020

Medical Practitioner's name: Dr Amina RAFI

GMC reference number: 7454881

Primary medical qualification: MB ChB 2014 University of Leeds

Type of case	Outcome on impairment
Review - Misconduct	Not Impaired

**Summary of outcome**  
Suspension revoked

**Tribunal:**

Legally Qualified Chair	Mrs Jayne Wheat
Medical Tribunal Member:	Dr Joanne Topping
Medical Tribunal Member:	Dr Harriet Leyland
Tribunal Clerk:	Ms Keely Crabtree

**Attendance and Representation:**

Medical Practitioner:	Present and represented
Medical Practitioner's Representative:	Mr Marios Lambis, Counsel, instructed by BLM
GMC Representative:	Mr Saul Brody, 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 private.

## 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 - 10/09/2020

1. The Tribunal has convened to review Dr Rafi's case in accordance with Rule 22 of the Rules. In accordance with Rule 22(1)(f), it first has to decide whether Dr Rafi's fitness to practise is currently impaired by reason of misconduct. This is the first MPT review hearing.
2. At the commencement of this hearing the Tribunal agreed, in accordance with Rule 41 of the General Medical Council (GMC) (Fitness to Practise) Rules 2004 ("the Rules"), that the hearing should be held entirely in private as the Tribunal considered that XXX to all the matters under its consideration today.

## Background

3. The Tribunal has been informed of the background to Dr Rafi's case, which was first considered by an MPTS Fitness to Practise Tribunal ('the 2019 Tribunal') on 25 to 29 November 2019. The facts found admitted and proved at Dr Rafi's hearing can be summarised as follows.
4. Dr Rafi qualified in 2014 and, at the time of the events was practising as a junior doctor at Broadmoor Hospital, where she was employed from February 2018 to July 2018. Dr Rafi was a CT2 doctor training in psychiatry, under Thames Valley Deanery. Before commencing her psychiatry training in August 2017, she had completed Year 1 and Year 2 Foundation training.
5. In relation to the events, Dr Rafi made admissions to the Allegation that she had deliberately misled her colleagues by providing inaccurate and false information on her experience and qualifications. Dr Rafi led both her peers and clinical supervisor at Broadmoor to believe that she had past experience of working as a medical registrar and that she also had membership of the Royal College of Physicians. Further, she had also given her clinical supervisor false information about her own physical health. Dr Rafi had stated to her clinical supervisor, that she needed treatment for breast cancer.

6. The 2019 Tribunal noted that at the material time Dr Rafi XXX. It considered that Dr Rafi had XXX and had greatly reflected on her behaviour in order to develop insight into her actions.
7. The 2019 Tribunal was mindful of the XXX.
8. The 2019 Tribunal heard evidence that Dr Rafi's dishonest behaviour was likely to have been triggered by difficult situations such as exam pressure, XXX, and pressure of work. It considered that there were continuing issues to work through in order to minimise the risk of such repeated behaviour in the future when Dr Rafi may be subject to similar possible pressures.
9. The 2019 Tribunal considered that Dr Rafi had recognised the risk of repetition of her misconduct XXX. She stated that she was not back to her XXX yet.
10. The Tribunal was mindful that despite Dr Rafi's serious misconduct there were no concerns regarding her clinical performance.
11. Overall, the 2019 Tribunal considered there was a risk of repetition of misconduct given XXX. It concluded that a finding of impairment was necessary to promote and maintain the reputation of the profession and to declare and uphold proper standards of conduct and behaviour.
12. The 2019 Tribunal found there had been serious breaches of Good medical practice ('GMP'), such that any sanction lower than suspension would not be sufficient to protect the public or maintain public confidence in doctors. It found that Dr Rafi had lied over a period of five months, to a range of colleagues, including to her clinical supervisor, senior colleagues and her peers. She had lied about two distinct matters. Firstly, about her age, qualifications and experience and secondly the treatment she needed for breast cancer, a medical condition she did not have. She did not take the opportunity to set the record straight concerning either of these matters until she was challenged in a meeting about this on the 7 June 2018. Initially she continued to lie at this meeting, telling more untruths. She did then eventually concede she had been lying. Her lies about her qualifications and experience had the potential to put patient safety at risk.
13. The Tribunal considered that a period of suspension was a proportionate outcome given Dr Rafi's personal mitigation, XXX and the particularly stressful circumstances she was facing at the time of the events. The 2019 Tribunal recognised that Dr Rafi was continuing to XXX.
14. The 2019 Tribunal determined to suspend Dr Rafi's registration for a period of nine months. It determined that this period of time was necessary and proportionate given the seriousness of the misconduct to ensure public confidence in the profession could be maintained.
15. It also determined that a reviewing Tribunal may be assisted by Dr Rafi producing the following:

- ▶ Further reflective statement(s) on the misconduct found, the steps taken and any treatment she has received to reduce the risk of repetition;
- ▶ Evidence of continuing professional development; and
- ▶ Evidence that she has maintained her medical knowledge and skills.

### The Evidence

16. Dr Rafi provided a witness statement dated 26 August 2020, detailing her personal reflections, Continuing Professional Development ('CPD') and details regarding her XXX. This included:

- ▶ An in-depth reflective statement which was continuously updated during the period of suspension;
- ▶ XXX;
- ▶ XXX;
- ▶ XXX;
- ▶ A log of ongoing learning from December 2019 to August 2020;
- ▶ A number of certificates from The Royal College of Psychiatrists detailing Dr Rafi's CPD credits.

### Submissions

17. Mr Brody stated that the GMC accepted that Dr Rafi had provided evidence of the matters requested by the 2019 Tribunal. He submitted that the GMC was neutral on the question of impairment and that it was a matter for the Tribunal. Mr Brody referred to the overarching objective, including the need to take account of patient safety, public confidence and the need to maintain proper professional standards.

18. On behalf of Dr Rafi, Mr Lambis submitted that she had learnt from her mistakes and had shown significant evidence to demonstrate the actions she had taken to rectify matters. He referred the Tribunal to her very detailed reflections. He submitted that Dr Rafi had undertaken all the CPD she could have under the limitations of the suspension and had committed to keeping her skills and knowledge up to date. He took the Tribunal to evidence of her XXX. Mr Lambis submitted that Dr Rafi's fitness to practise was no longer impaired and that the overarching objectives have been met.

### The Relevant Legal Principles

19. The Tribunal reminded itself that the decision upon impairment is a matter for the Tribunal's judgement alone. As noted above, the previous Tribunal set out the matters that a future Tribunal may be assisted by. This Tribunal is aware that there is a persuasive burden on Dr Rafi to satisfy it that her fitness to practise is no longer impaired.

20. This Tribunal must determine whether Dr Rafi's fitness to practise is impaired today, taking into account Dr Rafi'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. Throughout its deliberations, the Tribunal had regard to the overarching objective.

## The Tribunal's Determination on Impairment

### Misconduct

21. The Tribunal had regard to whether Dr Rafi's fitness to practise is currently impaired by reason of misconduct.

22. The Tribunal took account of the evidence provided by Dr Rafi in terms of the reflective statements, CPD and XXX provided.

23. The Tribunal had regard to the ongoing reflections upon her misconduct and her personal situation provided by Dr Rafi. The Tribunal considered the reflective statements to be very personal and in depth. In particular it noted these reflections:

*'I have spent many hours on a monthly basis preparing these reflections and considering the impact of my behaviour that led to the Tribunal's findings in November 2019 and, as difficult as that process has been, it has confirmed my commitment to ensure that such behaviour is not repeated.'*

*'I remain deeply remorseful for my misconduct and dishonesty that led to my suspension in November 2019 and I hope that the Committee will accept the above evidence as a demonstration of my insightful reflections and my commitment to ensuring that such behaviour is not repeated.'*

*'I XXX, I lied to my colleagues and I tried to bolster my own self-esteem in a very ugly and potentially dangerous way. When confronted with the ability to rectify what I had done, I held strong to XXX; at the time, I felt so ashamed but it does not compare to the shame I felt once everyone knew I had not only lied but had continued to lie.'*

*'I choose to view this period of suspension as a way to prove my ongoing commitment to changing myself, to never allowing my ability to reflect on myself to slip, to admit to my faults and work on changing them. I wish to be seen as an honest and transparent person again, in the eyes of the profession and also through my own critical lens.'*

*'This investigatory and fitness to practice journey started for me in June 2018 and it has been truly gruelling. It has forced me to confront so much about myself and to change, and has also made clear what is at stake if I do not; my medical license, which remains very dear to me. I have experienced life without it, and if I had to reduce my feelings down to the most overwhelming one, it would be what a privilege I have lost. I*

*feel such shame and regret at everything I did and wish I could make amends to everyone I have wronged.'*

24. The Tribunal determined that Dr Rafi has developed further insight into her actions since the 2019 Tribunal hearing. The Tribunal was satisfied that Dr Rafi has recognised that her actions were wrong, that she has learnt from them and that she understood the consequences of her actions, in relation to both the impact on her colleagues and of the reputation of the profession. Dr Rafi recognised that had her behaviour continued patients may have been put at risk.

25. The Tribunal took account of the CPD material and determined that Dr Rafi has consistently engaged with this in order to maintain her medical knowledge and skills. The Tribunal considered that the steps taken by Dr Rafi in maintaining her knowledge represented a clear commitment to resuming practice safely.

26. The Tribunal noted that Dr Rafi had taken full responsibility XXX in difficult circumstances and has shown further insight into XXX. During the period of her suspension Dr Rafi has faced challenges including losing her national training number, having her case reported in the media and having to XXX. The Tribunal was satisfied that despite these challenges she remained focused XXX and was able to recognise the value of her support network. Dr Rafi stated in her reflections:

*'...I think that now more than ever, channeling the support network I have been building is crucial to ensure I do not slip back into old patterns and to allow XXX to negatively impact upon me. I remain committed to the promises I made to myself and to the professional body that I must not adopt old habits out of desperation, to allow terrible things to happen and to silently endure it at the XXX.'*

27. The Tribunal was mindful of the deterrent effect that the suspension imposed by the 2019 Tribunal has had and of the steps Dr Rafi has taken to ensure there is no repetition of her misconduct. The Tribunal determined that Dr Rafi's insight has developed sufficiently such that it was satisfied that the repetition of such behaviour was highly unlikely. The Tribunal considered that Dr Rafi would adopt a suitable approach going forward in terms of XXX, support and guidance in order to mitigate against XXX.

28. The Tribunal therefore determined that Dr Rafi's fitness to practise is no longer impaired by reason of misconduct. It concluded that this decision was appropriate and proportionate and that the objectives of maintaining public confidence and upholding proper professional standards of behaviour have been successfully met by Dr Rafi's engagement with the regulatory process and her remediation.

29. In all the circumstances having decided that Dr Rafi's fitness to practise is no longer impaired, the Tribunal determined to revoke the suspension currently in place on Dr Rafi's registration with immediate effect.

30. That concludes this case.

**Confirmed**

**Date** 10 September 2020

Mrs Jayne Wheat, Chair