



Council
21 November 2018
Fraud or error in relation to registration – Report on Registrar's investigation

Classification Public

Issue The attached paper sets out a report by the Registrar following an investigation conducted under Section 10(1) of the Osteopaths Act 1993. The investigation related to an entry in the Register which is alleged to have 'been fraudulently procured or incorrectly made' (section 10(1)).

Recommendation Council is asked to consider the Registrar's report and make a decision in the case as provided in Section 10.

Financial and resourcing implications None identified

Equality and diversity implications None identified

Communications implications The registrant must be notified of Council's decision and a copy of the decision published on the GOsC website

Annexes

- A. Section 10 of Osteopaths Act 1993 and the GOsC
- B. (Fraud or Error and Appeals) Rules 1999 (the 1999 Rules)
- C. Bundle of supporting documents

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REGISTRAR'S REPORT

Introduction

1. Section 10(1) of the Act provides as follows:

'The Registrar shall investigate any allegation that an entry in the register has been fraudulently procured or incorrectly made and report on the result of his investigation to the General Council'.

The allegation

2. The allegation to be considered by Council is as follows:
3. In support of his application for admittance to the membership course at the London College of Osteopathic Medicine (LCOM), Mr Shamim Akhtar provided a false degree certificate for the Bachelor of Medicine and Bachelor of Surgery degree (M.B.B.S) purporting to be issued from the University of the Punjab.
4. In his application for entry to the Register of osteopaths Mr Shamim Akhtar provided false registration details with the Pakistan Medical and Dental Council.
5. In light of paragraphs 3 and 4 above, the Registrar would not have been satisfied that Mr Akhtar was of good character and permitted him entry onto the Register.

Background

6. In order to register with the GOsC, Mr Akhtar submitted an application for registration to GOsC dated 5 August 2017. Mr Akhtar provided the following information on the application form:
 - a. Mr Akhtar recorded his title as 'Dr'
 - b. In response to question 2, Mr Akhtar recorded that he expected to receive a 'D.O' from the London College of Osteopathy (LCOM) on the 18/19 August 2017
 - c. In answer to question 4(b) and (c) regarding registration with other regulatory bodies, Mr Akhtar recorded 'Y' and confirmed that on 1 October 2016 he registered with the 'PMDC' (Pakistan Medical and Dental Council) in Pakistan with registration number 847159-P.
7. On 29 August 2017, LCOM confirmed that Mr Akhtar had successfully obtained a recognised qualification (RQ) and on 7 September 2017 Mr Akhtar was accepted onto the GOsC register of osteopaths.

Investigation

8. On or around January 2018 and as part of a review of LCOM's website, the GOsC commenced enquiries into Mr Akhtar's online advertising, in particular Mr Akhtar's stated qualifications, and noted a number of inconsistencies. In light of this, the GOsC began carrying out further investigations, including contacting LCOM to request the information Mr Akhtar submitted as part of his enrolment application to them.
9. LCOM subsequently disclosed a number of documents to the GOsC, including Mr Akhtar's LCOM Application Form and a copy of a degree certificate for a Bachelor in Medicine and Bachelor in Surgery from the King Edward Medical College, Lahore (KEMC).
10. On 7 February 2018, Mr Akhtar telephoned the GOsC and spoke with the Director of Fitness to Practise. During the telephone call Mr Akhtar confirmed that LCOM had informed him of the GOsC's enquires, and further, that he was considering leaving the GOsC register as he was planning to be out of the country for 6-9 months. On 9 February 2018 Mr Akhtar submitted a 'Leaving the Statutory register of Osteopaths request form' to the GOsC Registration department. Given the GOsC's serious concerns about the accuracy of information provided by Mr Akhtar as part of his GOsC application, Mr Akhtar's removal request was refused and on 19 February 2018, an email was sent from the GOsC Registration department to Mr Akhtar confirming this.
11. The GOsC contacted the PMDC to verify whether the details Mr Akhtar provided on his GOsC Application form were accurate. On 4 April 2018, the PMDC emailed the GOsC, confirming 847159-P is not a valid PMDC registration number. On 3 July 2018 the PMDC emailed the GOsC, confirming Mr Akhtar is not registered and his details do not exist in the PMDC's database. The PMDC further stated registration no.847159-P is not a valid registration number it is a fabricated/fictitious and fake number.
12. The GOsC contacted the KEMC to verify whether the degree certificate Mr Akhtar provided to LCOM in support of his application was authentic. On 11 July 2018 the KEMC emailed the GOsC with a letter from the KEMC Registrar attached, confirming 'The contents of the degree of the individual cited above are not verified. It is 'Bogus'.
13. The correspondence referred to above was considered by the Registrar of the GOsC, who decided to suspend Mr Akhtar's registration. On 18 July 2018, the Director of Fitness to Practise wrote to Mr Akhtar providing notice of the GOsC's investigation and confirmation that the Registrar had decided to suspend his registration effective from 1 August 2018. The letter enclosed a bundle of the above mentioned correspondence and set out that Mr Akhtar had the right to appeal the Registrar's decision to suspend.

14. On 23 July 2018 Mr Akhtar wrote to the GOsC, stating 'I will not be appealing against my suspension and request if you can remove any details from the Osteopathic Register, following my previous correspondence sent to your offices in February 2018'. Mr Akhtar enclosed a further copy of his removal request form dated 9 February 2018.
15. On 1 August 2018 the GOsC Registrar wrote to Mr Akhtar, confirming that the suspension would take effect from that date, and refusing Mr Akhtar's removal request. On 6 August 2018 Mr Akhtar emailed the GOsC, confirming receipt of this letter.
16. On 11 August 2018 LCOM emailed the GOsC confirming that it had rescinded Mr Akhtar's RQ. LCOM stated: 'With prima facie evidence that [Mr Akhtar] could not meet the main criteria for admission there was no question of suspension of the qualification: it had never legitimately existed so was rescinded there and then'.
17. It is relevant to note that the GOsC has made contact with a number of other voluntary regulatory bodies that Mr Akhtar was associated with, as well as the General Medical Council and the Police to notify them of this matter.

Information from the osteopath concerned

18. The GOsC wrote to Mr Akhtar on 14 September 2018, informing him that the Council will consider the matter at its meeting on 21 November 2018 and that he has the right to attend the public parts of the meeting and submit further information for the Council to consider. Mr Akhtar was asked to provide further information by 21 October 2018.
19. On 25 October 2018 the GOsC received an undated letter from Mr Akhtar, confirming he is unable to attend the Council meeting on 21 November 2018 stating 'As you are aware I have resigned from the GOsC in February 2018 ... I kindly ask you to remove my entry from the GOsC register'.

Issues

20. Section 10 (5) of the Act provides that if, having considered the Registrar's report, the Council is satisfied that the entry in question is fraudulent, it may order the Registrar to remove the entry. There are therefore two matters for the Council to consider in relation to Mr Akhtar's entry on the Register:
 - a. Was the entry in question fraudulently procured or incorrectly made?
 - b. If the Council is satisfied that it was, on either of those bases, does it wish to order the Registrar to remove the entry?
21. The first question is one of fact. In coming to its decision on fact, the Council may wish to consider the information provided by Mr Akhtar on both his GOsC Application form and LCOM Application form in light of the subsequent

information provided by the PMDC and KEMC. The Council should also take into account LCOM's subsequent decision to rescind Mr Akhtar's RQ.

22. Once the Council has made its finding on fact, it must then consider whether to order the Registrar to remove Mr Akhtar's entry from the register. In doing so Council members should have in mind the purpose of Section 10 which is to ensure that only those who should be admitted to the register have an entry on it.

The Council's discretionary powers under Section 10

23. In exercising a discretion the Council must demonstrate that it has considered whether the wider public interest will be served by Mr Akhtar's continued registration, in terms of upholding the reputation of the profession and maintaining public confidence in it, but its main focus will be whether, by allowing Mr Akhtar to remain on the Register, the public is protected and patient safety is ensured. In reaching a decision, the Council must take all relevant factors into account, disregard irrelevant ones, and come to a decision to which a reasonable decision maker would come.
24. In coming to its decision, the Council should have regard to:
 - a. The GOsC's overarching, statutory objective to protect the public and act in the wider public interest;
 - b. The need to maintain the integrity of the GOsC register and uphold the reputation of the profession;
 - c. Mr Akhtar's apparent lack of insight into his conduct, demonstrated by both his failure to provide any explanation in response to the GOsC's enquiries, and his repeated requests to be removed from the GOsC register during the investigation.
25. The Council should note that, whatever its decision, it does not have to be one to which every decision maker would come, given the same facts, it must simply be one which a reasonable decision maker would make.

Sanction

26. Section 10 provides only that the Council 'may order the Registrar to remove the entry'. As such, the only options available are either to remove the Mr Akhtar's name from the register, or to take no action.
27. The Council would have to consider what mitigating and aggravating features of this case there might be and decide how the public interest is best served: by removing Mr Akhtar from the Register, or by taking no action. If the Council decides to take no action, it would be open to it to mark its disapproval (if indeed it does disapprove) of Mr Akhtar's conduct, in a judgement or statement about the case.

28. The Council should provide reasons for its decision.

Appeal

29. The Council should note that if it decides to order Mr Akhtar's entry to be removed from the register, the Registrar is required to notify Mr Akhtar of that, and that he has a right of appeal to the County Court.

For decision:

30. The Council is asked to:

- a. Consider the Registrar's report, and
- b. Make a decision in the case as provided in Section 10.

Recommendation: Council is asked to consider the Registrar's report and make a decision in the case as provided in Section 10.

