

PUBLIC RECORD

Dates: 26/09/2025

Doctor: Dr Tarun ARYA

GMC reference number: 4020826

Primary medical qualification: BChir 1993 University of Cambridge

Type of case	Outcome on non-compliance
Review - Non-compliance with a performance assessment	Non-compliance found

Summary of outcome

Conditions for 12 months
Review hearing directed

Tribunal:

Legally Qualified Chair	Mr Naz Hussain KC
Registrant Tribunal Member:	Dr Loralie Rodrigues
Registrant Tribunal Member:	Dr Paul Mitchell
Tribunal Clerk:	Miss Racheal Gill

Attendance and Representation:

Doctor:	Present, represented
Doctor's Representative:	Mr Christopher Geering, Counsel, instructed by Clyde & Co
GMC Representative:	Ms Emma Gilsenan, 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 consideration of Non-compliance - 26/09/2025

The outcome of applications made at the outset of proceedings

1. This determination will be read in private. However, as this case concerns Dr Arya's non-compliance a redacted version will be published at the close of the hearing.

Determination on consideration of non-compliance

2. This is the third review of Dr Arya's case following a Medical Practitioners Tribunal (MPT) hearing which concluded on 15 September 2022.

Background

3. The General Medical Council ('GMC') opened an investigation into Dr Arya's fitness to practise following a referral from the Care Quality Commission ('CQC'), dated 17 December 2020. These concerns arose following a CQC inspection at the Queens Bower Surgery ('the Surgery'), where Dr Arya was a GP at the time. Through its inspection process the CQC identified clinical and non-clinical concerns about his practise.

4. On 9 November 2021, Dr Arya was directed under Rule 7(3) and Schedule 1 of the GMC Fitness to Practise Rules 2004 to undertake an assessment of his performance ('the Direction').

5. On 21 December 2021, Dr Arya's representatives sent part 1 of the performance assessment portfolio to the GMC XXX. The GMC could not progress Dr Arya's performance assessment while XXX. On 23 February 2022 and 21 April 2022, the GMC wrote to Dr Arya explaining it could consider non-compliance as a result of XXX.

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6. On 18 March 2022 and 8 June 2022, Dr Arya's XXX. The GMC received Dr Arya's agreement to proceed with the performance assessment, but XXX, with no indication of when he might be able to conduct the performance assessment.

7. Dr Arya was referred to a Medical Practitioners Tribunal in September 2022 (the 2022 Tribunal) for his failure to comply, in full, with the Direction XXX.

The 2022 Tribunal

8. The 2022 Tribunal considered that whilst there was objective evidence of XXX, there was no estimated time-frame provided by which he would be able to comply with the Direction. It found that on that basis, there was no good reason for Dr Arya's failure to comply. The 2022 Tribunal therefore concluded that non-compliance had been found.

9. The 2022 Tribunal noted that Dr Arya said that he would comply with the requirements of the performance assessment, when XXX. It found that Dr Arya was unable to comply with the previous Direction of the GMC due to XXX, rather than due to any unwillingness. It noted that as soon as Dr Arya was able to comply, he would do so. The 2022 Tribunal imposed an order of conditions on Dr Arya's registration, for a period of 12 months, which would address all 3 limbs of the overarching objective and XXX, and for the GMC to make arrangements for the performance assessment.

The 2023 Tribunal

10. The 2023 Tribunal considered XXX and acknowledged that there was no estimated timeframe within which he could comply with the Direction to undergo a performance assessment. It found no culpability on Dr Arya's part, noting that he had continued to engage with the GMC's investigation and the proceedings throughout. However, the Tribunal was also satisfied that there was no good reason for his failure to comply, given that there was no realistic prospect of him participating in the assessment within a reasonable timeframe. Dr Arya did not dispute his ongoing failure to comply, and the Tribunal concluded that he had, in fact, failed to comply with the Direction.

11. Despite this, the 2023 Tribunal noted Dr Arya's ongoing engagement with the GMC and the proceedings, and that he had expressed a willingness to undertake the performance assessment, XXX. In light of ongoing concerns raised by the CQC regarding Dr Arya's practice, the Tribunal determined that a further period of conditions, varied to include the requirement to undertake a performance assessment, would meet the overarching objective of protecting the public and maintaining public confidence, while not being disproportionate.

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Accordingly, the Tribunal imposed conditions on Dr Arya's registration for a further 12 months and directed a review.

The 2024 Tribunal

12. The 2024 Tribunal noted XXX and that there remained no estimated time-frame by which he would be able to comply with the Direction. Dr Arya had continued to engage with the GMC's investigation and these proceedings and the Tribunal was satisfied that there is no culpability on his part. The Tribunal had borne in mind the non-compliance guidance and was satisfied that there was no good reason for Dr Arya's failure to comply, due to the lack of a realistic prospect of him participating in the performance assessment in a reasonable timeframe. The Tribunal also noted that Dr Arya accepted non-compliance and that there was no realistic time frame to complete the performance assessment. The Tribunal therefore concluded that non-compliance had been found. The Tribunal was also satisfied that there had been a breach of the condition of Dr Arya's registration to undergo a performance assessment.

13. The Tribunal noted that Dr Arya had been out of clinical practice for some time but he had indicated that he wished to return to work XXX, prior to undertaking a performance assessment. The Tribunal was satisfied that there is no culpability on Dr Arya's part and there were no attitudinal concerns. The Tribunal noted that Dr Arya had complied with the current conditions, save for the requirement to undertake a performance assessment, and he was attempting to resolve matters with XXX and personal circumstances. The 2024 Tribunal therefore determined that Dr Arya's registration should be subject to conditions for a period of 12 months.

14. The 2024 Tribunal indicated in its determination that a review tribunal would be assisted by receiving:

- Evidence of undergoing a GMC performance assessment as directed;
- Any other information which Dr Arya considered would assist the reviewing Tribunal, including information about XXX and evidence of having kept his knowledge and skills up to date.

Review Tribunal

15. This Tribunal has met to review Dr Arya's case. It has considered, under Rule 22A of the Rules, whether Dr Arya has now complied with the direction to undergo a performance assessment under Schedule 1 of the Rules, which related to Performance.

16. In reaching its decision, the Tribunal has given careful consideration to the '*Non-Compliance Guidance for medical practitioners tribunals*' (the Guidance) and all of the evidence adduced in this case. It has also taken account of the submissions made by Ms Gilsenan, Counsel, on behalf of the GMC and those made by Mr Geering, Counsel on Dr Arya's behalf.

The Evidence

Documentary Evidence

17. The Tribunal received documentary evidence which included but was not limited to:

- Various email exchanges between the GMC and Dr Arya's legal representatives.
- XXX
- Dr Arya's witness statement, dated 12 September 2025.

Submissions

On behalf of the GMC

18. Ms Gilsenan submitted that nearly four years have passed since the performance direction was first issued on 9 November 2021 and Dr Arya has continued to fail to comply with the GMC's direction to undergo a performance assessment.

19. Ms Gilsenan submitted that although Dr Arya has participated in the broader GMC process, he has not engaged with the specific requirement to complete the performance assessment. She submitted there is no objective evidence to suggest any realistic timeframe within which he may be able to comply and referred to XXX. This remains unchanged since the last hearing. The position remains that there is no realistic prospect of compliance within a reasonable timeframe.

20. Ms Gilsenan submitted that there has been no material change in either the factual circumstances or legal position to support any conclusion other than continued non-compliance. Accordingly, she submitted that Dr Arya remains in continued non-compliance with the direction.

On behalf of Dr Arya

21. Mr Geering submitted that Dr Arya accepted that there has been non-compliance because of XXX.

The Tribunals' approach

22. Whilst the Tribunal bore in mind the submissions made, the decision regarding non-compliance is one for the Tribunal to reach, exercising its own judgement.

23. The Tribunal is aware that the burden of proof rests on the GMC and that it is for the GMC to prove non-compliance. Dr Arya does not need to prove anything. The Tribunal is also aware that the standard of proof is that applicable to civil proceedings, which is the balance of probabilities.

24. Throughout its deliberations, the Tribunal had regard to the Guidance and considered all of the documentary evidence adduced in this case.

25. At this stage of the hearing the Tribunal asked itself the following question, as per C53a of the Non-compliance guidance (September 2019), namely whether Dr Arya has:

- a. *continued to fail to comply with the direction or request to provide information that led to the non-compliance order being made, and...*

Tribunal's decision

26. The Tribunal had regard to the MPTS Non-compliance guidance ('the Guidance'). In particular it noted that A17 and XXX which state:

A17 There does not need to be culpability on a doctor's part for the tribunal to conclude there is evidence that the doctor has 'failed to comply.' At this stage, the tribunal is simply considering whether there is evidence to show, as a matter of fact, the doctor has not complied with the GMC's direction or request to provide information.

XXX

27. The Tribunal noted that Dr Arya, through the submissions of Mr Geering, did not dispute his failure to continue to comply with the Direction and there was no realistic timeframe to complete the performance assessment.

28. The Tribunal has taken account of XXX and that there is no estimated timeframe by which he would be able to comply with the Direction. The Tribunal is satisfied that there is no culpability on the part of Dr Arya. He has continued to engage with the GMC's investigation and these proceedings.

29. The Tribunal found that there has been no material change in the position since the 2024 Tribunal hearing and Dr Arya has still not undergone a performance assessment. It was satisfied, with reference to the non-compliance guidance, that there was no good reason for Dr Arya's failure to comply, given there is no realistic prospect of the doctor participating in the performance assessment in a reasonable timeframe.

30. In the circumstances the Tribunal has determined that continued non-compliance has been found.

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The outcome of applications made at the outset of proceedings

31. This determination will be read in private. However, as this case concerns Dr Arya's non-compliance a redacted version will be published at the close of the hearing.

32. Having determined that there is continued non-compliance by reason of Dr Arya's failure to undertake a performance assessment in accordance with Schedule 1 of the Rules, which relates to Performance, the Tribunal went on to consider what sanction, if any, to impose.

Submissions

On behalf of the GMC

33. Ms Gilsenan referred the Tribunal to the non-compliance guidance and to the general principles in the Sanctions Guidance (SG). She submitted the appropriate sanction in this case is to suspend Dr Arya's registration.

34. Ms Gilsenan acknowledged that XXX remained a mitigating factor. However, this has been unchanged since the direction was issued in 2021. While Dr Arya has now completed

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his portfolio and the GMC is ready to proceed with the performance assessment, XXX. Although Dr Arya has expressed a wish to return to work under close supervision, this has not yet occurred.

35. Ms Gilsenan submitted that XXX. She submitted the aggravating factors are that Dr Arya has failed to comply with the direction to undergo a performance assessment for almost four years, without good reason and he has twice breached the condition imposed on him to undergo a performance assessment within 12 months consecutively over a period of two years. She referred to the objective XXX evidence as to the potential timescale when Dr Arya is likely XXX to engage with a performance assessment and submitted there is no realistic evidence of likely compliance within the next 12 months. She submitted that XXX, which in the GMC's submission is a pertinent factor for this Tribunals consideration as to whether or not to extend the current order of conditions or vary it to an order of suspension.

36. Therefore, Ms Gilsenan submitted that conditions are no longer appropriate, proportionate, workable and measurable and conditions do not serve to uphold the three limbs of the overarching objective in this case. She acknowledged that a suspension may have a punitive effect, however Dr Arya is not currently working and he has not been working for a considerable amount of time. In the circumstances, she submitted that suspension was now the proportionate and appropriate response.

37. She submitted the GMC cannot investigate Dr Arya's fitness to practise in a proportionate way and take action in response to the index concerns raised without Dr Arya completing the performance assessment, therefore the investigation is currently at an impasse.

On behalf of Dr Arya

38. Mr Geering submitted that it is not Dr Arya's fault that XXX. He submitted that there was no culpability on Dr Arya for this.

39. Mr Geering reminded the Tribunal that in assessing the overall seriousness of the risk, the Tribunal is required to carry out a risk assessment based on all available information. The Tribunal is not making findings of fact but determining what action, if any, is necessary to protect the public. Mr Geering noted that previous tribunals have concluded that conditions were sufficient to manage the identified risks and as those risks have not changed, he submitted that it would be inconsistent to now regard suspension as an appropriate or proportionate response.

40. He further submitted that Dr Arya's non-compliance has not been attributed to any attitudinal issues, and there is objective evidence that XXX and additional stressors have prevented his compliance. Dr Arya continues to XXX, and to impose a suspension now would be, in effect, punishing a doctor XXX—rather than making an objective assessment of the risk to the public.

41. XXX. He has complied as far as reasonably possible with the previous Tribunal's directions, including keeping his knowledge up to date through revision, completing mandatory training, and actively engaging with the regulatory process. These actions demonstrate insight and an intention to comply when able. Mr Geering argued that given this willingness, XXX, and the mitigating steps already taken, it would be perverse to impose a suspension.

42. He submitted that public protection is already being addressed through the current conditions, including close supervision. These conditions remain proportionate and effective, and there is no justification for moving to suspension, which would be a more restrictive step. He submitted the Tribunal is obliged to adopt the least restrictive approach necessary to protect the public, which is conditions.

43. He submitted that Dr Arya's realistic timeframe to XXX undertake the performance assessment may be within six to nine months, given the progress already made. However, the Tribunal could impose conditions for any period up to three years. He concluded that there are indications of positive improvement development which would enable him to undergo a performance assessment.

The Tribunal's approach

44. The Tribunal reminded itself that it is not making any finding of impairment.

45. The Tribunal was mindful that the main reason for making any non-compliance order is to protect the public and that any direction is not made to punish or discipline doctors, even though they may have a punitive effect. In reaching its decision, the Tribunal has taken the Guidance into account and borne in mind the overarching objective which includes:

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

46. Throughout its deliberations and in conducting its risk assessment, the Tribunal applied the principle of proportionality, balancing Dr Arya's interests with the public interest.

The Tribunal's Decision

47. The Tribunal bore in mind its finding of continued non-compliance, along with the evidence already adduced and the further submissions of Ms Gilsenan, Counsel, on behalf of the GMC and those made by Mr Geering, Counsel on Dr Arya's behalf.

Revocation of the current order of conditions

48. The Tribunal first considered whether to conclude Dr Arya's case and take no further action.

49. The Tribunal determined that in view of its findings on non-compliance, it would be neither sufficient, proportionate nor in the public interest to conclude this case by revoking the order.

Conditions

50. The Tribunal next considered whether it would be appropriate to extend the order of conditions on Dr Arya's registration. It has borne in mind that any conditions must be appropriate, proportionate, workable and measurable.

51. The Tribunal bore in mind that this is now the third review hearing and acknowledged the length of time over which this case has remained unresolved. However, it is accepted that this non-compliance is due solely to XXX. That said, the Tribunal bore in mind that there was evidence of some progress, XXX. It bore in mind that there is no evidence of any attitudinal concerns or unwillingness to comply. Dr Arya has engaged positively with the regulatory process and has demonstrated a willingness to undertake the performance assessment, XXX. Dr Arya indicated a realistic timeframe of six to nine months to be in a position to comply.

52. The Tribunal wished to make it clear that it did not accept Mr Geering's submission that there had been no change in the risk profile of Dr Arya. That is not to say he has actively done something to increase the risk he presents, it is simply to reflect the natural consequence of not practising for almost five years. Any practitioner with an unblemished history out of practice for this amount of time would naturally present an ever increasing risk to patients. The Tribunal was of the view that the current conditions do not adequately address the risks presented.

53. The Tribunal was of the view that the appropriate next step is to support Dr Arya's re-entry into clinical practice through a structured and supervised pathway. Specifically, it considered that enrolling on an NHS England Return to Practice programme (RtP) would be a suitable and constructive route forward. The RtP programme exists in order to help any qualified GP who has been out of practise for a significant amount of time to return to work safely. Therefore this would provide Dr Arya with a personalised, supported pathway including supervised observation, which would not only mitigate the risks associated with skills decreasing but also better prepare him for a performance assessment.

54. The Tribunal therefore determined that it is both proportionate and necessary in the public interest and in Dr Arya's interest to vary the current conditions to require him to undertake such a return to practice programme. This step, combined with the ongoing requirement to undergo a performance assessment XXX, offers a clear and structured plan to address the outstanding regulatory concerns while supporting Dr Arya's return to safe and effective practice.

55. The Tribunal determined that Dr Arya's registration shall be subject to conditions for a period of 12 months. The Tribunal considered that Dr Arya required this period in order to allow time for Dr Arya to fulfil the following conditions:

1. He must not work independently as a doctor until he has enrolled upon and completed the NHS England Return to Practice Programme (RtP) within 12 months of this decision.
2. After satisfactorily completing the NHS Return to Practice Programme, he must undertake a performance assessment within 12 months of this decision.
3. He must personally ensure the GMC is notified within seven calendar days of the date these conditions become effective:
 - a. of the details of his current post, including:
 - i. His job title;
 - ii. His job location;
 - iii. His responsible officer (or their nominated deputy);

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- b. of the contact details for his employer and any contracting body, including his direct line manager;
- c. of any organisation where he has practising privileges and/or admitting rights.;
- d. of any training programmes he is in;
- e. of the contact details of any locum agency or out-of-hours service he is registered with.
4. He must personally ensure the GMC is notified:
- a. of any post he accepts, before starting it;
 - b. that all relevant people have been notified of his conditions, in accordance with condition 6;
 - c. if any formal disciplinary proceedings against his are started by his employer and/or contracting body, within seven calendar days of being formally notified of such proceedings;
 - d. if any of his posts, practising privileges, or admitting rights have been terminated by his employer before the agreed date, within seven calendar days of being notified of the termination;
 - e. if he applies for a post outside the UK.
5. He must allow the GMC to exchange information with his employer and/or any contracting body for which he provides medical services.
6. He must personally ensure that the following persons are notified of the conditions listed at 1 to 5:
- a. his responsible officer (or their nominated deputy)
 - b. the responsible officer of the following organisations:

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- i. his place(s) of work and any prospective place of work (at the time of application);
 - ii. all of his contracting bodies and any prospective contracting body (prior to entering a contract);
 - iii. any organisation where he has, or has applied for, practising privileges and/or admitting rights (at the time of application);
 - iv. any locum or out-of-hours service he is registered with;
 - v. if any organisation listed at i) to iv) does not have a responsible officer, he must notify the person with responsibility for overall clinical governance within the organisation. If he is unable to identify this person, he must contact the GMC for advice before working for that organisation.
 - c. the responsible officer for the medical performers list on which he is included or seeking inclusion (at the time of application).
 - d. his immediate line manager and senior clinician (where there is one) at his place of work, at least 24 hours before starting work (for current and new posts, including locum posts).

Suspension

56. The Tribunal was cognisant that this is now the third review and considered the option of suspension. It acknowledged both the difficulty in managing this case due to the prolonged period, and the increasing risk to public safety that arises from Dr Arya being out of clinical practice for a significant period – now almost five years. It considered that any further delay in progressing towards performance assessment risks Dr Arya's chances of safely returning to unrestricted practice, XXX. Dr Arya must now demonstrate a proactive and committed approach XXX. A failure to do so may result in suspension being imposed at the next review.

Review hearing

57. The Tribunal determined to direct a review of Dr Arya's case. A Tribunal will review Dr Arya's case at a hearing to be held shortly before the end of the period of conditional

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registration. The onus is on Dr Arya to demonstrate compliance and if at any time he considers that he has fully complied, Dr Arya can make a request to the GMC for them to consider arranging an early review of the non-compliance order. The Tribunal reviewing Dr Arya's case would be assisted by receiving the following:

- Evidence of completion of the NHS England Return to Practice Programme (RtP).
- Evidence of undergoing a GMC performance assessment as directed.
- Any other information which he considers would assist the reviewing Tribunal, including information about XXX and evidence of having kept his knowledge and skills up to date.

58. The effect of this direction is that, unless Dr Arya exercises his right of appeal, this decision will take effect 28 days from when written notice of this determination is deemed to have been served upon him. If Dr Arya decides to appeal against this decision the conditions currently imposed on his registration will remain in force until the appeal is determined.

59. That concludes this hearing.