

PUBLIC RECORD**Date:** 27/05/2025

Doctor: Dr Anatta NERGUI

GMC reference number: 5206692

Primary medical qualification: MBBS 1993 University of Punjab - Punjab Medical College

Type of case **Outcome on impairment**

Review - Conviction Not Impaired

Summary of outcome

Suspension revoked

Tribunal:

Legally Qualified Chair	Mr Nick Flanagan
Lay Tribunal Member:	Mr George Ritchie
Registrant Tribunal Member:	Dr Mark Wilshire

Tribunal Clerk:	Mr Larry Millea
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Attendance and Representation:

Doctor:	Present, not represented
GMC Representative:	Mr Julian King, Counsel

Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held partly in public and partly 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 - 27/05/2025

1. At this review hearing the Tribunal now has to decide in accordance with Rule 22(1)(f) of the General Medical Council (GMC) (Fitness to Practise) Rules 2004, as amended ('the Rules') whether Dr Nergui's fitness to practise is impaired by reason of his conviction for a criminal offence.
2. This determination will be read in private. However, as this case concerns Dr Nergui's conviction a redacted version will be published at the close of the hearing.

Background

3. Dr Nergui qualified in 1995 from Punjab University in Pakistan and prior to the events which are the subject of the hearing, Dr Nergui obtained a diploma in Psychological Medicine at the Royal College of Physicians & Royal College of Surgeons of Ireland in 2000. Dr Nergui also obtained a postgraduate certificate in cognitive ageing research methods for medical scientists from the University of Edinburgh in 2013. At the time of the relevant events Dr Nergui was practising as a middle grade doctor in psychiatry at Derbyshire Healthcare NHS Foundation Trust.

The 2023 Tribunal

4. A Medical Practitioners Tribunal (MPT) hearing took place in May 2023 ('the 2023 Tribunal'). The proven facts that the May 2023 Tribunal found amounted to misconduct can be summarised as follows.
5. On 18 March 2020 Dr Nergui was convicted by Glasgow Sheriff Court of engaging in a course of conduct which caused fear or alarm, contrary to section 39(1) of the Criminal Justice and Licensing (Scotland) Act 2010 and resisting, obstructing or hindering the Police Service of Scotland Officer in their duty, contrary to section 90(2)(a) of the Police and Fire Reform (Scotland) Act 2012. On 25 January 2021 he was sentenced to a community punishment order of 18 months supervision and 150 hours of unpaid work.

6. The initial concerns were raised with the GMC on 27 November 2018 by Mr A. He reported that Dr Nergui had been harassing XXX for a period of time which included turning up uninvited to XXX, once very early in the morning, and requesting to see Ms B. It was also stated that Dr Nergui had sent hundreds of communications to Ms B which were handed over to the police. These included communications including topics relating to XXX, and rape.

7. The 2023 Tribunal was of the view that the offences for which Dr Nergui was convicted were serious as they involved engaging in a course of conduct over a period of time which caused fear or alarm and stalking individuals, XXX. The 2023 Tribunal was of the view that Dr Nergui possessed very little insight into his criminal behaviour and noted that he had not shown any remorse, nor had he made any attempts to apologise. The 2023 Tribunal noted that Dr Nergui explained that his criminal behaviour occurred when he was experiencing stress at work but on being asked how he would cope with stress in the future, he was unable to provide a response to the Tribunal beyond 'reading and writing'. The 2023 Tribunal found that Dr Nergui's insight focused on himself and demonstrated a limited appreciation of how his criminal behaviour had wider ramifications for the medical profession and public confidence in it.

8. The 2023 Tribunal noted that Dr Nergui had provided evidence relating to XXX at the time of committing the offences and at the time of the hearing. However, the 2023 Tribunal also noted there was no evidence before it that XXX. The 2023 Tribunal considered the steps taken by Dr Nergui to remediate but determined that those steps were limited to his guilty plea which was itself linked to a desire to spare individuals the ordeal of a trial. The 2023 Tribunal concluded that the attempts at remediation were minimal and that Dr Nergui had failed to develop sufficient insight to rule out a risk of future repetition.

9. The 2023 Tribunal concluded that members of the profession and the wider public would be appalled at Dr Nergui's actions. It determined that his conduct had brought the medical profession into disrepute and had also breached fundamental tenets of the profession. In the circumstances it concluded that his fitness to practise was impaired by reason of his conviction.

10. The 2023 Tribunal determined that the appropriate sanction was to suspend Dr Nergui's registration for a period of 12 months. It noted that a 12-month suspension marked the seriousness of Dr Nergui's criminal conviction, while protecting public confidence in the profession and maintaining proper standards of conduct and behaviour. The 2023 Tribunal also determined that a 12-month suspension allowed Dr Nergui sufficient time to remediate,

appreciate the gravity of his conduct and develop insight and remorse. It considered that the period of suspension afforded Dr Nergui a fair opportunity to demonstrate that he had taken further steps to reduce any potential risk that XXX should he find himself in a similar situation to that which gave rise to his criminal conviction.

The 2024 Tribunal

11. Dr Nergui's case was reviewed by an MPT hearing which took place in May 2024 ('the 2024 Tribunal'), which Dr Nergui did not attend having previously indicated he would be unable to attend that hearing.

12. The 2024 Tribunal considered the 2023 Tribunal's concern as to Dr Nergui's limited insight, lack of remorse for his actions, lack of awareness as to the gravity of his conduct and its impact on XXX and the reputation of the profession. The 2024 Tribunal noted the contents of Dr Nergui's further written reflections statement provided to it and noted that it contained an apology and an acknowledgement that he had made mistakes. However, the 2024 Tribunal noted with concern that there was limited reference to the impact of his actions on XXX and a complete lack of reference or consideration of the impact of his actions on Ms B.

13. Whilst the 2024 Tribunal noted and had regard to Dr Nergui's acceptance that his actions affected the profession, it was concerned that Dr Nergui had not properly considered how his actions would or could have affected public confidence in the profession. The 2024 Tribunal also noted that Dr Nergui had attempted to reflect on the gravity of his criminal convictions and demonstrating remorse. However, it was concerned that those reflections were primarily focussed on a philosophical consideration of the nature and meaning of remorse as well as the impact the convictions had on him. The 2024 Tribunal was not satisfied that Dr Nergui had fully and properly engaged with the seriousness of his actions, the seriousness of his convictions and their wider ramifications on either XXX, or the reputation of, or public confidence in the profession.

14. The 2024 Tribunal acknowledged that Dr Nergui had presented evidence of his continuing professional development and that he had sought to keep his medical knowledge and skills up to date. It also noted there was no evidence of XXX on the part of Dr Nergui.

15. The 2024 Tribunal determined that Dr Nergui had some insight into his misconduct but that his insight remained limited and was still in the very early stages of development. In light of his limited insight, limited remorse and the lack of engagement with how his actions

and conviction affected XXX and the reputation of the profession, the 2024 Tribunal concluded that the risk of repetition remained high.

16. The 2024 Tribunal determined that a finding of impairment remained necessary to meet the overarching objective, to promote and maintain public confidence in the medical profession and to promote and maintain proper professional standards and conduct for members of the medical profession.

17. The 2024 Tribunal determined that Dr Nergui's conduct leading to his conviction and the conviction itself, while serious, was not of itself fundamentally incompatible with continued registration and it was satisfied that Dr Nergui's conduct was capable of remediation. It noted that he had shown that he was capable of reflection and further developing his insight, given that some progress was made during the course of his suspension and that Dr Nergui had taken steps to keep his medical knowledge and skills up to date.

18. The 2024 Tribunal determined to suspend Dr Nergui's registration for a further period of 12 months. It considered that this period would not only mark the seriousness of the misconduct and the lack of progress made but would allow Dr Nergui additional time to reflect on his conduct and further develop his insight and remorse. The 2024 Tribunal indicated that it may assist any reviewing Tribunal if Dr Nergui provided:

- Evidence of how he has recognised the impact of his actions on (a) the recipients of his actions which led to his conviction including vulnerable people (b) public confidence in the profession and (c) the reputation of the wider medical profession.
- Evidence of further development of his remorse.
- Evidence of any XXX strategies he has in place and how those would either prevent or mitigate the risk of recurrence of the conduct which led to his conviction.
- Evidence that Dr Nergui has kept his clinical knowledge and skills up to date including CPD throughout the period of suspension.
- any other information that he considers will assist the Tribunal.

The Evidence

19. The Tribunal has taken into account all the evidence received, both oral and documentary.

20. Dr Nergui gave oral evidence at the hearing, where the GMC was given an opportunity to ask him questions and the Tribunal did ask him questions.

21. The Tribunal received documentary evidence which included, but was not limited to: MPTS determination on impairment, dated 31 May 2024; MPTS determination on sanction, dated 31 May 2024; A bundle of evidence from Dr Nergui including diary excerpts, CPD certificates, XXX, employment reference and a statement of reflection from Dr Nergui, dated 11 March 2025.

Submissions

On behalf of the GMC

22. On behalf of the GMC, Mr King submitted that, on balance, Dr Nergui's fitness to practise remained impaired.

23. Mr King submitted that the 2024 Tribunal found that there was an absence of comments on the effects of Dr Nergui's actions on XXX or the wider profession and limited evidence of XXX.

24. Mr King submitted that there are no very significant developments since the 2024 Tribunal, although Dr Nergui's most recent reflective statement does address a number of topic areas and it is not suggested that this is a case of no engagement. He submitted that the evidence provided by Dr Nergui lacks detail in certain areas and that whilst Dr Nergui references the 'ripple effect' of his actions, he fails to go into wider detail as to how his actions have directly affected XXX.

25. Mr King submitted that Dr Nergui's evidence of his XXX strategies to prevent the risk of recurrence of his conduct is relatively insubstantial, and that whilst he does list some XXX strategies, such as increased physical activity, frequent visits to see family and XXX, he has failed to comment in detail how those strategies would prevent him from repeating similar misconduct in the future.

On behalf of Dr Nergui

26. Dr Nergui submitted that he was not sure what further or specific details the GMC would require to be satisfied that he has insight into the impact of his actions. He submitted

that more specific evidence about how his actions affected XXX could realistically only be given by them.

27. Dr Nergui submitted that he was fit to return to unrestricted practice, that these proceedings have been going on for a significant period of time, with thirteen hearings over seven years, and that in his opinion he has sufficiently reflected and provided enough evidence to demonstrate that his fitness to practise is no longer impaired.

The Relevant Legal Principles

28. The Tribunal reminded itself that the decision of impairment is a matter for the Tribunal's judgment alone. As noted above, the previous Tribunal set out the matters that a future Tribunal may be assisted by. This Tribunal is aware that it is for the doctor to satisfy it that he would be safe to return to unrestricted practice.

29. This Tribunal must determine whether Dr Nergui's fitness to practise is impaired today, taking into account Dr Nergui'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.

The Tribunal's Determination on Impairment

30. The Tribunal first considered the outstanding areas of concern identified by the 2024 Tribunal, namely that Dr Nergui had not sufficiently demonstrated his insight into the impact of his actions on XXX and the wider profession.

31. The Tribunal was of the opinion that Dr Nergui's most recent reflective statement sought to address the specific outstanding concerns of the 2024 Tribunal. It found Dr Nergui to be reflective and balanced during his oral evidence. Dr Nergui explained his position clearly and accepted the impact on Ms B and understood that his actions were perceived as threatening. It was satisfied that the manner in which Dr Nergui explained this did not undermine his acceptance and recognition of the impact of his actions, and acknowledged his position that it would be difficult for him to further elaborate on the specific impact to Ms B and XXX given the limited contact that he has had with them since the time of the events.

32. In considering the risk of repetition, the Tribunal noted that there has been no identified repetition of Dr Nergui's actions over a significant period of time, and his evidence that Ms B XXX, albeit on a sporadic basis.

33. The Tribunal also received evidence that Dr Nergui is currently living with family and has extended family in London, representing a personal support network. He also gave evidence that he has a professional support network of colleagues. The Tribunal considered that these relationships and the support they provide further reduce the risk of any repetition should similar circumstances occur in the future.

34. The Tribunal also noted that Dr Nergui had provided XXX. The 2024 Tribunal had referenced limited evidence of XXX, and this Tribunal considered that there were no allegations of XXX before it and that the GMC had not sought to obtain XXX additional to that privately undertaken and evidenced by Dr Nergui, which was not contested by the GMC.

35. Dr Nergui's evidence was that he intends to return to work locally at a single hospital to undertake middle-grade work in a supervised setting, which is a strategy the Tribunal supports and considers appropriate for him. The Tribunal noted that Dr Nergui had previously been placed on conditions and that he had been able to find clinical work and undertook a structured return to work program with supervision. In his evidence, Dr Nergui expressed the intent to adopt a similar approach should he be allowed to return to unrestricted practice and the Tribunal considered that there was no evidence to suggest that he would be anything other than truthful in declaring his fitness to practise history when applying for roles in future. The Tribunal also noted that Dr Nergui has been working full time already, for the Department of Work and Pensions, demonstrating his ability to work full-time in a public-facing role.

36. The Tribunal did not accept the GMC submission that there had been 'no very significant developments since the 2024 Tribunal' but rather was of the opinion that Dr Nergui had far more clearly demonstrated his insight, remediation and that the risk of repetition was reduced. The Tribunal was satisfied that the documentary evidence, when considered in light of Dr Nergui's responses to Tribunal questions during his oral evidence, suitably addressed the outstanding concerns of the 2024 Tribunal, where he was not in attendance.

37. The Tribunal concluded that it was not entirely clear what further evidence the GMC would expect to obtain from Dr Nergui, in relation to those matters and that it would be

disproportionate to maintain the 2024 Tribunal's concerns in light of the most recent evidence and written reflections.

38. The Tribunal concluded that the statutory overarching objective would not be undermined were a finding made that Dr Nergui's fitness to practise was no longer impaired. It considered that there were no identified risks to patient safety, noting that Dr Nergui would need to go through a revalidation process before he was able to regain all his practice and prescribing rights.

39. The Tribunal was also satisfied that, given the insight demonstrated, low risk of repetition and duration of time since the events, public confidence in the profession and standards for members of that profession did not require a finding of impairment. In addition to the evidence provided by Dr Nergui to address the outstanding concerns identified by the 2024 Tribunal, this Tribunal noted that these proceedings, which have been going on for a significant period of time, have had a salutary effect on Dr Nergui and that the previous sanctions imposed sufficiently marked the seriousness of the original findings.

40. This Tribunal has therefore determined that Dr Nergui's fitness to practise is not impaired by reason of his conviction for a criminal offence.

41. The Tribunal has noted that the current suspension on Dr Nergui's registration is due to expire on 18 June 2025. In the light of its findings on impairment, and noting the totality of Dr Nergui's evidence in terms of the progress he has made, the Tribunal revoked the order of suspension with immediate effect.

42. That concludes this case.