

**General Pharmaceutical Council**  
**Fitness to Practise Committee**  
**Principal Review Hearing**  
**Remote videolink hearing**  
**9 March 2023**

<b>Registrant name:</b>	Rebin Abdullah
<b>Registration number:</b>	2213446
<b>Part of the register:</b>	Pharmacist
<b>Type of Case:</b>	Misconduct
<b>Committee Members:</b>	Peter Watkin Jones (Chair) Bukky Giwa (Registrant member) Ifat Reader (Lay member)
<b>Clinical Adviser:</b>	Dr Jennifer Bearn
<b>Secretary:</b>	Gemma Walters
<b>Registrant:</b>	Not present and not represented
<b>General Pharmaceutical Council:</b>	Represented by Bianca Vaghela, Case Presenter
<b>Order being reviewed:</b>	Suspension (12 months)
<b>Fitness to practise:</b>	Impaired
<b>Outcome:</b>	Suspension (12 months with review)

This decision is an appealable decision under our rules and will not take effect until 7 April 2023 or, if an appeal is lodged, when that appeal is concluded. Where an appeal is lodged, the Committee's previous direction will continue to have effect until the conclusion of the appeal.

## Introduction and preliminary matters

1. This is the first Principal Hearing Review before the Fitness to Practise Committee ('Committee') in respect of Mr Rebin Abdullah, a pharmacist first registered with the General Pharmaceutical Council ('the Council') on 15 October 2016 under registration number 2213446.
2. The Notice of Hearing was sent to Mr Abdullah by e-mail on 2 February 2023. The Committee was shown evidence that the email address used was that registered with the Council by the Registrant. The Registrant did not appear at the hearing, and was not represented. The Committee was shown email correspondence between the Council and the Registrant in relation to today's hearing, and preparation for it. On the 29th December 2022, the Council emailed the Registrant reminding him of comments made at the Principal Hearing in this matter relating to evidence that may be of assistance to today's committee, *XXXREDACTED* The Registrant responded on the 9th January 2023 saying he was away, but would liaise on his return. The Council replied promptly on the 10th January saying that the Registrant should make contact on his return so that testing could be arranged in advance of today's hearing, and confirming that the Council would pay for this testing.
3. The Council submitted that nothing further had been heard since from the Registrant, *XXXREDACTED*. The Council submitted that the Registrant had been properly served with notice of today's hearing. The Council produced further emails showing that the Registrant had been sent the proposed bundle for this hearing, and on 23rd February sending the actual bundle and the skeleton argument. The Council further submitted that the Registrant had not cooperated further with the Council; he had not sought an adjournment; he had not stated that he would attend a hearing on another date; he had not provided any of the material suggested as being helpful to this review committee by the committee at the Principal Hearing.
4. The Committee was satisfied that the Registrant had been properly served with notice of today's hearing. The Committee was satisfied that he was aware of the hearing. The Committee considered that the Registrant's absence today was voluntary. He had not sought an adjournment. The Committee noted the Registrant's obligation to cooperate with his regulator, and there was little evidence that he had done so, beyond the limited communication set out

above. The Committee therefore considered that it was fair and appropriate and in the public interest to proceed in the Registrant's absence and agreed that the Registrant's absence was voluntary; there was no reason to adjourn, and no request to do so.

5. The Principal Hearing was heard on 22 and 23 February 2022. Mr Abdullah did not attend the hearing and the Council had also made an application to proceed in his absence on that occasion. The application was granted. Mr Abdullah faced three allegations regarding the impairment of his fitness to practise through misconduct and a conviction. The Committee found all three allegations proved. The Committee found that Mr Abdullah's fitness to practise was impaired and that such a finding was needed to protect members of the public and to uphold confidence in the profession. The Committee directed that Mr Abdullah should be suspended for a period of 12 months. The current suspension is due to expire on 24 March 2023.

### **Relevant Legislation**

6. The Committee's powers in relation to reviewing a registrant's suspension are contained in Article 54 (3)(a) of the Pharmacy Order 2010 ("the Order"), the relevant parts of which state:

(a) Where the entry in the Register of the person concerned is suspended, give a direction that:-

(i) the entry be removed from the Register;

(ii) the suspension of the entry be extended for such further period not exceeding 12 months as may be specified in the direction, starting from the time when the period of suspension would otherwise expire;

(iii) the entry be suspended indefinitely, if the suspension has already been in force throughout the period of two years,

(iv) ....

(iv) On expiry or termination of the period of suspension (including a period of suspension that was expressed to be indefinite) the entry be conditional upon that person complying, during such period not exceeding 3 years as may be specified in the direction, with such requirements specified in the direction as the Committee thinks fit to impose for the protection of the public or otherwise in the public interest or in the interests of the person concerned.

## The case against Mr Abdullah at the Principal Hearing

7. On 7 July 2020, the Council was informed by Northumbria Police ('the police') that Mr Abdullah had been arrested on 19 March 2020 for possession of a Class B drug (Cannabis). During the course of the fitness to practise investigation, the Council obtained disclosure including the police's STORM incident report, a Forensic Toxicology Report and the memorandum of conviction. The Council also identified that Mr Abdullah had previous fitness to practise history and had been previously suspended following another Principal Hearing in 2019. The evidence resulted in the following allegations:

### Allegation 1

8. This allegation arose from a previous Principal Hearing which was held on 16, 17 January and 5 February 2019. At that Principal Hearing, the Committee determined that Mr Abdullah was impaired by reason of his misconduct and imposed a period of suspension for five months. *XXXREDACTED*. On 17 July 2019 a Principal Hearing Review was held in relation to the five-month suspension and Mr Abdullah's fitness to practise was found to be no longer impaired. Mr Abdullah was subsequently stopped by police officers on 19 March 2020. During the stop, the police officers identified that Mr Abdullah had a small clear plastic bag containing Cannabis. A road-side drug wipe of Mr Abdullah's car was conducted, and it tested positive for Cannabis. Mr Abdullah was arrested and cautioned. Mr Abdullah was taken to Middlesbrough Custody suite for interview where he confirmed that the Cannabis that had been found belonged to him and that it was for his own personal use, he confirmed he paid £10 for it and that he intended to smoke it. *XXXREDACTED*
9. *XXXREDACTED*
10. The *XXXREDACTED*

## **Allegation 2**

11. The Council relied on the memorandum of conviction dated 11 September 2020 which confirmed that Mr Abdullah was convicted of “on 19 March 2020, at Billingham had in your possession a quantity of Cannabis a controlled drug of Class B in contravention of 5(1) of the Misuse of Drugs Act 1971. Contrary to section 5(2) of and Schedule 4 to the Misuse of Drugs Act 1971.”

## **Allegation 3**

12. The Council relied at the Principal Hearing on the signed witness statement of Witness B, dated 24 May 2021. In her statement, Witness B confirmed that registrants are required to complete a ‘Something to Declare’ form to inform the Council of a conviction and/or caution they have received and to notify the Council within seven days of receiving said caution and/or conviction. Witness B confirmed that having checked the Council’s electronic register and other relevant internal sources, the Council had not received anything from Mr Abdullah declaring his conviction.

## **Findings at the Principal Hearing**

13. At the Principal Hearing, the Committee found that all three allegations were proved based on the evidence. In relation to the question of current impairment, the Committee considered the evidence provided orally by Witness A. Witness A’s evidence confirmed that there would be a “risk to patient safety were the Registrant to relapse into cannabis use whilst also working as a pharmacist” and that Mr Abdullah, at the time of the assessment, represented a low to moderate risk of relapse into drug use. During his oral evidence, Witness A revised this to reflect the risk as moderate to high on the basis that he had not been made aware of Mr Abdullah’s previous fitness to practise proceedings.
14. *XXXREDACTED*

15. The Committee at the Principal Hearing considered Mr Abdullah's insight into the misconduct and the conviction. The Committee referred to Mr Abdullah's evidence at the review hearing following his previous Principal Hearing in July 2019. They stated that Mr Abdullah had demonstrated good insight into the adverse impact of Cannabis use on his ability to practise and the impact of his behaviour on public confidence in the profession. The Committee stated that while some credit might have been due to Mr Abdullah, little weight could now be given to his evidence of insight *XXXREDACTED*. The Committee at the Principal Hearing stated that in doing so, Mr Abdullah had not "put into practice what he had said about professional expectations, the risk to patients or his declared commitment to abstinence". The Committee noted that they had no evidence of any remedial steps Mr Abdullah might have taken since being arrested on 19 March 2020 beyond what he provided to Witness A in March 2021. *XXXREDACTED*.

16. *XXXREDACTED*

17. The Committee at the Principal Hearing considered the impact of Mr Abdullah's conduct on public confidence in the profession and the regulator. The Committee was satisfied that the public would be concerned *XXXREDACTED* that Mr Abdullah's conviction for possession of Cannabis and subsequent failure to notify the Council would undermine public confidence in the profession. The Committee concluded Mr Abdullah's fitness to practise "to be currently impaired on all three heads of the statutory objectives for regulation, namely public protection, upholding public confidence and promoting professional standards." The Committee stated that based on their analysis and conclusions, they were satisfied that Rule 5(2)(a), (b) and (c) were engaged. In relation to Rule 5(2)(d), the Committee decided that on the evidence then available, it should stop short of finding a lack of integrity. The Committee at the Principal Hearing determined that the appropriate sanction was that of a suspension order for the maximum length possible, namely 12 months stating, "Such an order acts to protect the public, and the Committee is satisfied that such an order does send a clear enough message to the public and the profession that the Registrant's behaviour is not acceptable." The Committee did note that the Council had submitted that the appropriate and proportionate sanction was one of removal but considered that the findings against the Registrant were possibly remediable.

18. The Committee at the Principal Hearing, in imposing a sanction of suspension, also determined that there should be a review at the conclusion of the period of suspension, and indicated that the reviewing Committee may be assisted by:

- A reflective piece dealing with the issues of concern identified by the Committee, showing insight on why he made the wrong decisions that he did;
- *XXXREDACTED*
- *XXXREDACTED*
- Information on how he had been maintaining his CPD;
- An update on what if any work, voluntary or paid, he had been undertaking; and
- Any testimonials that he wished to provide.

### **Current position**

19. Witness C, a Case Administrator for the Council, provided a witness statement dated 15 February 2023 detailing her correspondence with Mr Abdullah regarding his compliance with the suspension. As stated above in considering the Council's application to proceed in absence, on 9 January 2023, Mr Abdullah communicated with the Council, and at that time confirmed that he has remained compliant with his suspension. However, the Registrant has not liaised with the Council to provide up to date evidence for today in relation to hair testing despite further contact from the Council on 17th January 2023 and has provided nothing in response to the suggestions made at the Principal Hearing, as set out immediately above.

20. The Council has submitted that the Respondent remains impaired on the grounds of Rules 5 (2) a, b and d of the General Pharmaceutical Council (Fitness to Practise and Disqualification etc) Rules of 2010 ("the Rules"), and invites this Committee to make a determination to that effect, and to impose a sanction of removal from the register.

### **Determination of the Committee**

21. The case of *Abrahaem v GMC* [2008] EWHC 183 (Admin) makes it clear that the Committee must consider whether the concerns raised in the initial hearing have been addressed and whether or

not Mr Abdullah is able to persuade the Committee that he now has the insight and understanding into his actions so as to offer assurance that his fitness to practise is no longer impaired. Blake J said at paragraph 23:

“In my judgment, the statutory context for the rule relating to reviews must mean the review has to consider whether all the concerns raised in the original finding of impairment through misconduct had been sufficiently addressed as to the panel’s satisfaction. In practical terms there was a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged why past professional performance was deficient, that through insight, application, education, supervision or other achievement sufficiently addressed past impairment.”

22. The Registrant has not provided any evidence that could be used to persuade this Committee that he has reflected on his misconduct. The engagement of the Registrant has been very limited, and he has taken no steps to discharge the evidential burden imposed upon him, as described above by Blake J. *XXXREDACTED*
  
23. The Committee therefore determines that it has no evidential basis upon which it can conclude that the Registrant is no longer impaired. The Committee determines that the Registrant’s fitness to practise is currently impaired. Without evidence to the contrary, the Committee consider that the Registrant continues to present a risk to patients *XXXREDACTED*, his judgment in dealing with the public may be suspect. *XXXREDACTED* The Committee considered that the Registrant presented a potential risk to patients or to the public. Additionally, given the Registrant’s non engagement with the Council, and his knowledge of the requirements of the regulatory process given his previous experiences of it, the Registrant’s conduct and non-cooperation continued to bring the profession of pharmacy into disrepute. The Committee was satisfied that the grounds of 5(2) a and b of the Rules had been made out. The Registrant’s fitness to practise was currently impaired. The Committee was also invited to make a finding that the Registrant’s fitness to practise was impaired as the integrity of the Registrant can no longer be relied upon- rule 5(2) d. The Committee was invited to conclude that his lack of engagement, given his history, constituted a lack of integrity. The Committee was very concerned at the Registrant’s lack of engagement, particularly given the opportunities and encouragement he has



been given by the Council to engage with the process. But the Committee did not feel it could make a finding of current impairment on this ground, given that there was a complete absence of information as to what the Registrant has been doing during his period of suspension, and the reasons for his lack of engagement, and a finding of integrity in such an evidential vacuum required assumptions and inferences that the Committee was not currently comfortable to make.

24. The over-arching objective of the Committee is detailed within Article 6 of the Pharmacy Order 2010. Article 6(1) sets out that the over-arching objective of the Council in exercising its functions is the protection of the public. Article 6(1A) states that the over-arching objective is maintained by the pursuit of the following:

- i) to protect, promote and maintain the health, safety and wellbeing of the public.
- ii) to promote and maintain public confidence in the profession.
- iii) to promote and maintain proper standards and conduct for members of the profession.

A finding of current impairment is required in this case on all of these grounds. Members of the public would be concerned to learn that a pharmacy professional who has not engaged with review proceedings and has yet to evidence steps taken since the Principal Hearing or demonstrate that insight into his behaviour, is found to not be currently impaired. A finding of current impairment is required to maintain the protection of members of the public and to uphold proper standards and maintain public confidence in the profession.

25. In relation to sanction, the Council renewed its submissions made at the Principal Hearing, and invited the Committee to remove the Registrant from the register. At the Principal Hearing, the Committee did not impose the sanction of removal on the basis that the Registrant's conduct was remediable. The Council submitted that it is now unlikely that the Registrant will avail himself of the opportunity to engage, and adduce evidence that he is not currently impaired, and has insight into this past, such as to render him fit to practise. It was submitted that removal from the register was the appropriate and proportionate sanction.

26. *XXXREDACTED*

27. The Committee considered the Council's Good decision making; fitness to practise hearings, sanctions and guidance March 2017. The Council noted that it should impose a sanction that is no more serious than it needs to be to achieve its aims. The aims of a sanction included protecting the public, and maintaining public confidence in the profession, and maintaining proper professional standards. The Committee took note of its powers as set out in Article 54 (3) (a) of the Order.

28. The Committee did not consider that this was a case where at the termination of the current suspension, the imposition of conditions was appropriate. This was not a case relating to deficiencies in practise that could be assisted in that way.

29. The Committee then considered whether a further period of suspension should be imposed as being reasonable and proportionate. The Committee considered that such an order would protect patients and the public and would also maintain public confidence in the profession and maintain proper professional standards. The Committee carefully considered whether the registration of the Registrant should be removed, being the sanction suggested by the Council as appropriate. The Committee was very concerned at the Registrant's lack of engagement with the process, and of his failure to provide the Committee with evidence as to what has happened over the last 12 months. The Principal Hearing gave useful indications as to what the Registrant could, and should, do to assist this Committee (set out at paragraph 18 above), and the fact that the Registrant had done taken none of these steps was very concerning. The Committee considered that the Registrant has been given repeated opportunities to take steps to remediate his conduct, but no evidence has been adduced by him to show that he has done so.

30. The Committee considered however that a further period of suspension was adequate and proportionate to protect the public and patients, and to maintain confidence in the profession and maintain professional standards. Removal from the register is reserved for the most serious of cases, and although the Committee did not presently consider that this was such a case, continued non engagement in the future could render it such. The Committee considered that the suspension should be for 12 months. The Committee considered that this suspension should

be subject to review. A future panel will be assisted by those matters set out at paragraph 18 above, together with a clinical assessment of the Registrant, as advised by the Clinical Advisor. The Committee considered it essential at any future review for the Registrant to appear and provide this information. The period of 12 months suspension gives the Registrant adequate time to show any review panel- should he decide to do so- evidence of remediation, insight and ongoing recovery.

31. The Council made no application for an interim measure under Article 60 of the Order.