

IN THE ROYAL COURTS OF JUSTICE

CO/1033/2022

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BETWEEN:-

THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL  
CARE

Appellant

-and-

(1) THE GENERAL PHARMACEUTICAL COUNCIL

(2) ASIF HAMID BHATTI

Respondents



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**CONSENT ORDER**

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UPON the parties having agreed to the terms of this Order, in particular that it is just and convenient for the Court to make the Order set out below

AND UPON the Second Respondent being a Pharmacist entered on the Register established and maintained by the First Respondent

AND UPON a panel of the Fitness to Practise Committee of the First Respondent ("the Committee") having found on 25 January 2022 that the Second Respondent's fitness to practise was not currently impaired and imposing no sanction ("the decision")

AND UPON the Appellant having lodged an appeal on 22 March 2022 against the decision pursuant to Section 29 of the National Health Service Reform and Healthcare Professions Act 2002

AND UPON the First and Second Respondent conceding that the decision was not sufficient for the protection of the public within the meaning of Section 29 of the National Health Service Reform and Healthcare Professions Act 2002

BY CONSENT IT IS ORDERED THAT:

1. The Appellant's appeal is allowed on the basis of the grounds set out in Schedule 1 to this Order

2. The decision of the Committee on 25 January 2022 that the Second Respondent's fitness to practise is not impaired is quashed, and in its place is substituted a finding of current impairment.
3. A sanction of a warning for a period of 12 months is imposed. The warning shall appear on the First Respondent's public Register in terms set out in Schedule 2 to this Order.
4. The First and Second Respondents shall pay the Appellant's reasonable costs apportioned equally between both Respondents, to be assessed if not agreed.

Dated this 22 day of July 2022



*Brown Jacobson LLP*

Name:.....

Brown Jacobson LLP  
On behalf of Appellant

Name: Carole Auchterlonie

GPhC  
1<sup>st</sup> Respondent



Name: MARTIN, HADLEY

VHS Fletchers  
On behalf of 2<sup>nd</sup> Respondent

Signed: Mr Justice Robin Knowles

BY THE COURT

## SCHEDULE 1

The appeal in this matter is conceded on the following basis:

Mr. Asif Hamid Bhatti, the Second Respondent (“the Registrant”) is a pharmacist. He was charged with falsifying or using on a number of occasions without permission the initials of colleagues to complete Quad boxes used to confirm the dispensing, clinical and accuracy check by these colleagues in circumstances where he had carried out these steps himself (“self-checking prescriptions”) and that these actions were dishonest. He was also charged with self-checking prescriptions in breach of Boots’ Standard Operation Procedure in circumstances where colleagues were available to complete the relevant checks. The Committee found that these actions amounted to misconduct but that a finding of current impairment was not required. The parties agree that this decision was wrong and insufficient to protect the public in that:

- Ground 1: It failed to take into account and/or have proper regard to the nature, seriousness and extent of the Registrant’s dishonesty including the duration, the fact that it occurred as part of core clinical duties, the fact that he had previously been told to stop self-checking, the fact that the dishonesty related to the circumvention of a system designed to protect patients and the fact that his dishonesty could have led others to be held accountable for his mistakes. The Committee also wrongly assessed that the Registrant had made early admissions when he had denied wrongdoing until confronted with CCTV evidence and sought to minimise the seriousness throughout the proceedings.
- Ground 2: the Committee failed to direct itself as to the relevant legal principles, particularly the significance of a finding of dishonesty in light of the importance of maintaining public confidence in the profession and upholding professional standards.
- Ground 3: the circumstances did not justify a finding of no impairment on public interest grounds.
- Ground 4: the Committee was wrong not to impose a warning on the Second Respondent in that it failed to have proper regard to GPhC Good Decision Making Guidance and the need to demonstrate to a registrant and more widely to the profession and the public that the conduct or behaviour fell below acceptable standards and to put proper emphasis on the effect a finding of dishonesty has on public confidence in the profession.
- Ground 5: the Committee failed to give adequate reasons for its decisions that there was no impairment and no need to impose a warning.

## **SCHEDULE 2: Warning**

Mr Asif Hamid Bhatti worked as a Locum Pharmacist at Boots UK Limited (“Boots”), 5 The Strand, London (“the Pharmacy”). On 27 August 2020, the Council received a concern from Witness A, the Clinical Governance Specialist of Boots, alleging that the Registrant had self-checked prescriptions by falsifying the initials of colleagues without their permission. Boots require the completion of four checks by members of staff before a prescription can be dispensed to a patient. The checking process is called a ‘Quad Stamp’ and includes dispensing, a clinical check, an accuracy check and a handout. Each step must be signed off with the signature of a member of staff to indicate that they have completed the check.

Mr. Bhatti had been reminded on a number of occasions that prescriptions should not be routinely self-checked. The restrictions placed by Boots on self-checking through its SOPs were designed to minimise the risk of accidental errors by reason of working in a high-volume dispensing pharmacy and thus protect patients from harm.

Nonetheless Mr. Bhatti continued to self-check prescriptions, including those for controlled drugs. This in itself was a serious failure on the part of the registrant to not follow patient safety protocols and SOPs without good reason. However, the registrant’s failings were compounded by a decision made at some point that he would conceal he was self-checking by falsifying colleagues’ initials on Quad boxes when they had not been involved in any checks. This may have exposed others to the risk of being wrongly held accountable in the event of an error in the dispensing process.

Although Mr. Bhatti was less than open at his initial Boots investigation interview in July 2020, he subsequently made full admissions to the 24 June 2020 incident and previous incidents. He made full admissions before the Fitness to Practise Committee.

Mr. Bhatti’s conduct undermines or is likely to undermine public confidence in the pharmacy profession, given that he deliberately chose to disregard patient-safety protocols and SOPs to the extent he was prepared to falsify colleagues’ initials to dishonestly cover his tracks. Such conduct falls far short of the standards expected of a registered pharmacy professional in particular the following standards:

Pharmacy Professionals must

2. work in partnership with others
5. use their professional judgement
6. behave in a professional manner
9. demonstrate leadership

The seriousness of Mr. Bhatti’s misconduct is such that it must be marked by the imposition of a warning in order to declare and uphold professional standards and maintain public confidence and the reputation of the profession.

Mr. Bhatti is warned that he must in future ensure he puts patient safety at the forefront of his practice and ensure he adheres to any policies or procedures put in place whenever he is practising as a pharmacist. Furthermore Mr. Bhatti is warned that honesty and integrity are

essential elements of pharmacy practice and any further incident of dishonesty or lack of integrity will be likely to lead to further and more restrictive regulatory intervention.

This warning will appear on the GPhC's public Register for a period of 12 months.

