

**SGUL Training Materials**

**Investigating Officer Report – Fictional Case Study**

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| **Investigating Officer:**  Dr Fiona Philips  BSc Physiotherapy Course Director & Associate Dean for Student Experience  I have been asked to act as Investigating Officer under the secondary (formal) stage of the *Procedure for the Consideration of Fitness to Study and Practice* |
| **Student under investigation:**  Mr Tom Walker – MBBS5 Final Year student |
| **Date of appointment by Principal:**  With effect from 22 February 2017 |
| **Guidance/applicable regulations/procedures:**   * GMC’s Professional behaviour and fitness to practise: guidance for medical schools and their students * GMC’s Achieving good medical practice: guidance for medical students * MBBS Programme Regulations * General Regulations for Students and Programmes of Study * Drug & Alcohol Policy * Investigating Officer Protocol |
| **Date of report completion:**  Wednesday 15 March 2017 |

# **Background**

It has been alleged that on Tuesday 30 January 2017, Mr Walker stole crates of champagne from Boardroom One (H2.1) on the St George’s, University of London campus. The crates of champagne were being stored in Boardroom One ahead of a Council dinner later that evening.

The Student Conduct and Compliance team were informed by Mr Michael Mahoney (SU Bar Manager) that a student, who was later identified as Mr Walker, had been seen entering and exiting the Boardroom on four occasions. On the final occasion, the student is seen exiting the Boardroom carrying a rucksack which appears to contain stolen bottles of champagne.

Mr Mahoney reported the student to the Student Conduct and Compliance team on 1 February 2017. It was agreed that this behaviour constituted serious misconduct under Paragraph 20.3 of the *General Regulations for Students and Programmes of Study*:

(a) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of St George’s, whether on St George’s premises or elsewhere;

(d) fraud, deceit, deception or dishonesty in relation to St George’s or its staff or in connection with holding any office in St George’s or in relation to being a student of St George’s;

(k) misuse or unauthorised use of St George’s or hospital or other premises or items of property;

(l) conduct which constitutes a criminal offence;

(p) in the case if students registered for the MBBS and intercalated BSc degrees, any act or omission which, in the opinion of Council, having considered relevant policies and statements of the General Medical Council, would be improper in a member of the medical profession;

On receipt of Mr Mahoney’s report, the Student Conduct and Compliance team contacted Professor Kate Russell, the Principal. Professor Russell deemed the misconduct serious enough to warrant an investigation under the secondary (formal) stage of the *Procedure for the Consideration of Fitness to Study and Practise.* As a result, an Investigating Officer appointment was required.

On receipt of the report, Professor Russell decided not to impose a suspensionon Mr Walker during the investigation.

# **Focus of investigation**

* 1. This investigation’s scope has been to explore this single incident on Tuesday 30 January 2017 under the *Procedure for the Consideration of Fitness to Study and Practice* (hereinafter ‘the Procedure’), establishing whether the concerns raised about Mr Walker’s conduct should be deemed serious enough to refer him to the Hearing Committee stage of the Procedure.
  2. During the investigation, it was necessary to consider if there was any evidence to suggest that any other students were involved in the disappearance of the champagne from the Boardroom on 30 January 2017.
  3. As the Investigating Officer, I referred to and conducted my investigation in accordance with the “Investigating Officer Protocol”.
  4. The standard of proof required under this Procedure if the balance of probability.
  5. This investigation has considered details of Mr Walker’s progression at St George’s and has considered whether the incident on Tuesday 30 January 2017 was a momentary lapse of judgement or indicative or a pattern of behaviour which brings Mr Walker’s fitness to study and practise into question.

# **Investigation**

* 1. This report provides the background to Mr Walker’s case; it also summaries the responses and perspectives of key staff members and students whom I have interviewed as part of this investigation and sets out my conclusions based on the information I was able to gather. During the course of this investigation, I have conducted a series of interview with relevant members of staff and with Mr Walker. I have also had access to Mr Walker’s full student file.
  2. The relevant CCTV footage from outside Boardroom One and the Student Union Bar from the evening of Tuesday 30 January 2017. Mr Walker has also had an opportunity to view the footage.
  3. The following individuals were interviewed during the course of the investigation:

Ms Sarah Thomas, Clerk to Council, interviewed in person on 26 February 2017

Mr Michael Mahoney, SGUL SU Bar Manager, interviewed in person on 27 February 2017

Mr Tom Walker, interviewed in person on 25 February 2017

Student A, interviewed in person on 1 March 2017

Student B, interviewed in person on 1 March 2017

Ms Dawn Smith, Head of St George’s SU Domestic Services, telephone conversation on 3 March 2017

* 1. **CCTV footage from Boardroom One area**
     1. I reviewed the CCTV footage showing the SU Bar, Boardroom One and the surrounding area on the evening of Tuesday 30 January 2017 with Mr Mohamed Malik (Student Conduct and Compliance Officer).
     2. The CCTV footage shows Mr Walker entering and exiting Boardroom One on four separate occasions throughout the evening:
        1. Mr Walker enters the Boardroom at 17:36, leaving again at 17:37
        2. Mr Walker enters the Boardroom at 17:43, leaving again at 17:45
        3. Mr Walker enters the Boardroom at 17:50, leaving again at 17:51
        4. Mr Walker enters the Boardroom at 18:45, leaving again at 18:52
     3. On the first three occasions, Mr Walker is seen entering and exiting the room without a rucksack. On the final occasion, Mr Walker is seen entering the Boardroom with an empty rucksack, and then is seen leaving the Boardroom with bottles of champagne visibly protruding out of the rucksack.
  2. **Interview with Ms Sarah Thomas**
     1. I met with Ms Thomas on 26 February 2017, the meeting was not audio recorded but I made some notes and Ms Thomas confirmed following the meeting that the notes accurately summarised what we had discussed.
     2. Ms Thomas confirmed that as Clerk to Council she was responsible for organising the Council dinner on 30 January 2017. Ms Thomas advised that, as the Chair of Council was retiring, twelve bottles of champagne had been supplied with dinner.
     3. Ms Thomas confirmed that she and the Council members entered the Boardroom at 19:00 and noticed that the champagne she had ordered was not in the room.
     4. After the dinner, Ms Thomas contacted the catering staff who had set up the Boardroom to ask about the whereabouts of the champagne. Ms Thomas was told by a member of the catering staff that they had left the twelve bottles of champagne in the Boardroom along with food and flutes.

**Interview with Mr Michael Mahoney**

* + 1. I met with Mr Mahoney on 27 February 2017. Mr Mohamed Malik (Student Conduct and Compliance Officer) was present as Clerk. The meeting was audio recorded.
    2. Mr Mahoney confirmed that he remembered the events of the evening of 30 January clearly.
    3. Mr Mahoney advised that at around 18:55 he noticed a number of open bottled of champagne left on the tables in the SU Bar. Mr Mahoney knew that these bottles of champagne had not been purchased from the Bar and he was concerned about the licencing implications.
    4. Mr Mahoney noted that a number of students were sat at tables drinking champagne and had approached the Bar to ask to use some champagne flutes.
    5. Mr Mahoney confirmed that at the time he had not realised that the champagne had been stolen from the Boardroom and assumed that the students had brought their own to the Bar.
    6. Mr Mahoney reviewed the CCTV from the Bar and the Boardroom area during the meeting and identified Mr Walker as the student entering and exiting the Boardroom a number of times throughout the evening. Mr Mahoney also confirmed that Mr Walker had been in the Bar on the evening in question and had been drinking champagne at a table close to the Bar.
    7. I asked Mr Mahoney if had seen Mr Walker in the Bar before. Mr Mahoney confirmed he knew Mr Walker and that he is regularly in the Bar and often very intoxicated.
    8. Mr Mahoney explained that the following day, he called Mr Walker to a meeting to talk about the licencing implications of bringing his own alcohol into the bar. At the meeting, Mr Walker initially claimed that the champagne had been bought from the Bar.
    9. Mr Mahoney explained that when he informed Mr Walker that he knew he was lying about buying the champagne from the Bar, Mr Walker then claimed that he found the champagne in the Boardroom next to the Bar and took them as he assumed they would go to waste otherwise.
    10. Mr Mahoney advised that when he was cleaning up the Bar later in the evening he overheard two students (Student A and Student B) discussing ‘stolen’ champagne bottles. I contacted the two students after meeting with Mr Mahoney and invited them to a witness interview.
    11. Mr Mahoney advised that he found Mr Walker’s explanation for finding the champagne confusing and did not believe him. Mr Mahoney added that when he tried to explain the licencing implications to Mr Walker, he reacted aggressively and said that Mr Mahoney would ‘regret it’ in a threatening way.

**Interview with Mr Tom Walker**

* + 1. I met with Mr Walker on 25 February 2017. Mr Mohamed Malik was present as clerk. The meeting was audio-recorded and a copy of the recording was made available to Mr Walker after the meeting. Mr Walker chose not to be accompanied to the interview.
    2. I asked Mr Walker about the champagne he brought into the bar on the evening of 30 January 2017. Mr Walker advised that he found the bottled of champagne in an unattended Boardroom next to the bar and he took them as he ‘did not want them to go to waste’.
    3. Mr Walker added that staff ‘often share food leftovers and alcohol after meetings’ and that he assumed this rule applied to students are well.
    4. I asked Mr Walker to explain why he thought that ten unopened bottled of champagne constituted leftovers. Mr Walker visibly struggled to answer this question and admitted that he did not know why he thought that.
    5. I asked Mr Walker why other students in the Bar had referred to ‘stolen’ champagne later in the evening. In response, Mr Walker stated ‘I’ve got no idea, how can I respond to what other people have said, ask them.’ Mr Walker added the following statement unprompted, ‘look, we pay £9000 a year in fees – this champagne wasn’t being used, I haven’t done any harm. Staff get freebies all the time, why can’t students? It’s discrimination.’
    6. I asked Mr Walker about his relationships with other students and whether he enjoyed the University environment. Mr Walker felt that he was not a particularly popular student and that he did not have many friends. Mr Walker added that it is sometime necessary to ‘oil the wheels, if you want to make friends and influence people.’
    7. I explained that stealing the bottles champagne constituted a serious disciplinary and criminal offence. To this Mr Walker replied ‘look, stealing is when you take things in the street, from shops, I didn’t take anything away from George’s did I? I just moved things from one room to another room, that is not stealing. And the cleaner was there, he said it was fine.’
    8. I asked why Mr Walker had not mentioned a cleaner before or to Mr Mahoney when he was asked about the champagne. Mr Walker stated that he had only just remembered the cleaner at this moment. I asked Mr Walker about the cleaner and their appearance. At this point Mr Walker visibly struggled to respond to my questions. When asked whether the cleaner was male or female, Mr Walker said ‘I think it was a man.’ I asked how certain Mr Walker was that the cleaner was a man and asked him if the cleaner told him to take the champagne. Mr Walker responded by saying, ‘It was a man, a middle-aged man. And he said, yes of course it will go to waste otherwise, take it.’
    9. I asked Mr Walker to explain why the cleaner was not visible on the CCTV footage from the Boardroom area. In response Mr Walker stated that there must be ‘some kind of blind spot on the film’ but he definitely remembers a cleaner being present in the Boardroom.
    10. I showed Mr Walker the CCTV footage in question and asked him to add any comment he might have. Mr Walker stated that he did not wish to add anything further to his explanation.
    11. I reiterated the seriousness of stealing the champagne as explained that this behaviour is not compatible with a career as a doctor. I asked Mr Walker if he was aware of the GMC’s guidance on fitness to practise for medical students and how his behaviour has fallen below the level expected of medical students. Mr Walker confirmed that he was aware of the guidance, but that he did not understand why taking the champagne was in contravention of the guidance.
    12. I asked Mr Walker about his interactions with Mr Mahoney on the evening and told him that Mr Mahoney claimed he had behaved threateningly. Mr Walker denied any interaction or even seeing Mr Mahoney that evening. Mr Walker claimed that he had ‘no idea’ why Mr Mahoney had reported him to the Student Conduct and Compliance team.

**Interview with Student A**

* + 1. Student A is a Penultimate Year MBBS5 student at St George’s. I met them in person on 1 March 2017 with Mr Mohamed Malik as clerk. The meeting was audio recorded.
    2. Student A explained that they were in the bar on the evening of 30 January 2017 and clearly remembered Mr Walker entering the bar holding a rucksack with bottles of champagne in it and shouting ‘*Christmas has come early.*’
    3. Student A added that they did not know where the champagne had come from.
    4. When asked if they thought it was strange that Mr Walker had arrived with numerous bottles of free champagne, Student A responded by saying that they did find it strange but that, ‘*to be honest he* [Mr Walker] *is a bit strange.’*
    5. I asked if Student A wanted to add anything to their statement and they confirmed that they had no more information to provide.

**Interview with Student B**

* + 1. Student B is Penultimate Year MBBS5 student at St George’s. I met them in person on 1 March 2017 with Mr Mohamed Malik as clerk. The meeting was audio recorded.
    2. Student B explained that they were in the bar on the evening of 30 January 2017 and accepted some champagne from Mr Walker when he offered.
    3. Student B advised that they had been thinking about the evening in question a lot and on reflection knew that the bottles of champagne must have been stolen as, ‘*there is no way a student could have afforded that.*’
    4. Student B was very apologetic and expressed her concern about disciplinary action for handling the stolen good. I quote verbatim, ‘*I had just finished an exam and he* [Mr Walker] *turned up with free champagne. I wasn’t thinking because I was so excited and I’m very sorry. I don’t really know him very well so can’t see why he would just appear with champagne for us all.*’
    5. I asked Student B about their relationship with Mr Walker. Student B explained that they do not know Mr Walker very well and said that *‘he seems a bit weird in lectures and he is always really pissed at SU social events.*’
    6. I asked if Student A wanted to add anything to their statement and they confirmed that they had no more information to provide.

**Telephone conversation with Ms Dawn Smith**

* + 1. I telephoned Ms Dawn Smith (St George’s SU, Head of Domestic Services) on 3 March 2017. I asked Ms Smith to contact the cleaning staff who had been working in the SU Bar and surrounding areas on the evening of 30 January 2017. I asked Ms Smith if any of the cleaning staff had told a student that they could take the champagne out of the Boardrooms.
    2. Ms Smith called later that afternoon and explained that she had spoken to the cleaner who had been working in the area that day. Ms Smith confirmed that the cleaner, who was female, had finished their shift at 17:00 and had not spoken to any students during their shift.

# **Key findings**

During this investigation, I have been able to confirm that Mr Walker stole numerous bottled of champagne from Boardroom One on the evening of 30 January 2017. It is evident from the CCTV footage that Mr Walker exits the Boardroom at 18:52 with a rucksack full of champagne and goes into the SU Bar.

A number of student and staff witnesses have confirmed that Mr Walker was in the Bar that evening and shared a number of bottles of champagne with fellow students.

During the interview, Mr Walker was shown the CCTV evidence and confirmed that he did take the bottled of champagne from the Boardroom and proceeded to share their contents with other students drinking in the bar.

Mr Walker initially denied taking the champagne when challenged by Mr Mahoney the day after he was in the Bar.

Although Mr Walker has now admitted taking the champagne from the Boardroom, it is worth noting that he does not think this constitutes theft or that this is a serious disciplinary offence with potential criminal implications.

Mr Walker has claimed that he thought the champagne would be going to waste if he did not take them but was unable to explain why he thought unopened bottles of champagne would could as left-overs or waste.

During this investigation, Mr Walker has been unable to adequately explain his behaviour on the evening and there have been a number of inconsistencies in the account and explanations he had provided.

Mr Walker has lied about being told by a male cleaner that he was allowed to take the champagne from the Boardroom and has (paragraph 3.7.8 – 3.7.10). Ms Smith has confirmed that there was no cleaner present at that time in the area.

It has been alleged that Mr Walker behaved aggressively and was threatening to a member of staff when he was challenged about the origin of the champagne. I note that Mr Walker denies interacting with Mr Mahoney that evening.

# **Any other information**

Throughout this investigation I have had access to Mr Walker’s full student file. I note that in his First Year of St George’s Mr Walker experiences some difficulties making friends and integrating with his peers.

Mr Walker has disclosed some additional personal difficulties to his Personal Tutor and has been directed to the Counselling Service.

In January 2014, when Mr Walker was in Transition Year, an allegation was made via an anonymous Educational Incident Form that he stole a fellow student’s memory stick in order to plagiarise their work. This allegation was reviewed but dismissed as Mr Walker’s assignment did not demonstrate any matching text on Turnitin.

# **Conclusion**

Throughout the investigation, Mr Walker has failed to show remorse for his behaviour or any insight into why his behaviour was unacceptable. Mr Walker has failed to recognise the serious potential consequences of his actions on his chosen career path as a doctor.

Mr Walker’s actions on the 30 January 2017, both the theft of the champagne and his threatening behaviour to a member of staff raises serious concerns about his fitness to study and practise.

Mr Walker has not been honest during the investigation and has failed to take responsibility for his dishonesty. The unreliable nature of Mr Walker’s explanation for his behaviour that evening raise serious questions about his overall professionalism, insight and ultimately his suitability to become a doctor.

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| **Investigating Officer recommendation:** Under the *Procedure for Consideration of Fitness to Study or Practise,* of the possible outcomes in paragraph 3.2, it is my recommendation that there is no alternative than for Mr Walker be referred to the Hearing Committee stage of the Procedure. |
| **Reasons for recommendation:** Mr Walker has exhibited a complete lack of understanding regarding the seriousness of his behaviour. His professionalism has been brought into question and he has failed to provide adequate explanation for threatening Mr Maloney. The concerns that have been raised are such that I can see no alternative to recommending the appointment of a formal Fitness to Practise Hearing Committee to further consider the case. Mr Walker’s behaviour is in contravention of the GMC’s *Professional behaviour and fitness to practise: guidance for medical schools and their students* (2016) which states that the GMC expects medical students to display standards of professional behaviour that are different from those expected of other students not training to join a regulated profession. I refer to the following pieces of guidance which give detail of expectations of doctors and medical students: Paragraph 72. Doctors hold a trusted position in society and must make sure their conduct – both professionally and personally justifies their patients’ trust in them and the public’s trust in the profession.  Paragraph 78. Medical schools should be aware that when concerns are raised about a student in the final year of study, there may not be sufficient time to resolve them. If a concern about a student’s fitness to practise is raised close to the date of graduation, then the medical school should consider the amount of time the student will have to demonstrate remediation. It may be necessary to require a student to a student to repeat all or part of a year, if appropriate. But in cases where there is an outstanding, justifiable concern over a student’s fitness to practise, the medical school must not graduate the student. |
| **Investigating Officer’s signature: Dr Fiona Philips** **Date: 15 March 2017** |