

**ON PAPERS****Interim Order Committee  
Review Hearing****17 April 2024****Name:** DARFOOR, Simon**Registration number:** 74987**Case number:** CAS-197985-C8Q1P1

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**General Dental Council:** Harry McNeilly, IHLPS.**Registrant:** Unrepresented

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**Outcome:** Interim suspension confirmed**Duration:** For the remainder of the extended order

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**Committee members:** Andrea Hammond (Chair and DCP member)  
Hall Graham (Dentist member)  
Jim Hurden (Lay member)**Legal adviser:** Valerie Paterson**Committee Secretary:** Jamie Barge

The role of the Interim Orders Committee (IOC) is to undertake a risk assessment based on the information before it. Its role is to assess the nature and substance of any risk to the public in all the circumstances of the case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the registrant's own interests to impose an interim order on their registration. It is not the role of the IOC to make findings of fact in relation to any charge. That is the role of a differently constituted committee at a later stage in the process.

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1. Neither party was present at today's hearing, following a request for the review of the interim order to be conducted on the papers. The hearing was conducted remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.
2. In the absence of both parties, the Committee first considered the issues of service and whether to proceed with the hearing in the absence of Mr Darfoor and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

### **Decision on service of Notice of Hearing**

3. The Committee was informed at the start of this hearing that Mr Darfoor was neither present nor represented at today's hearing.
4. In his absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Mr Darfoor in accordance with Rules 35 and 65 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules').
5. The Committee had regard to the hearing bundle, which contained a copy of the Notice, dated 26 March 2024. The notice was sent to Mr Darfoor's registered address by Special Delivery, in accordance with Section 50A of the Dentists Act 1984 (*as amended*) ('the Act') and via email on the same date.
6. The Committee was satisfied that the Notice contained proper and correct information relating to today's hearing. This included the time, date and that it is being conducted remotely via Microsoft Teams, as well as notification that the Committee has the power to proceed with the hearing in Mr Darfoor's absence.
7. Whilst it is not a requirement of the Rules, the Committee had sight of an extract from the Royal Mail 'Track and Trace' service which showed the item was delivered to Mr Darfoor's registered address on 27 March 2024. It was signed for against the printed name of 'DARFOOR'.
8. In light of the information available, the Committee was satisfied that Mr Darfoor has been served with proper notification of this hearing, within a reasonable period of time, in accordance with the Rules.

### **Decision on whether to proceed in the absence of Mr Darfoor and on the papers.**

9. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Mr Darfoor and any representative for either party. The Committee was mindful that its decision to proceed in the absence of Mr Darfoor must be handled with the utmost care and caution. The Legal Adviser reminded the Committee of the requirement to be fair to both parties, as well as considering the public interest in the expeditious disposal of this case.
10. The Committee noted that there has not been any engagement by Mr Darfoor in relation to today's hearing and, as a consequence, there was no reason to believe that an adjournment would secure Mr Darfoor's attendance on some future occasion.

11. The Committee bore in mind that today's hearing has been arranged as there is a statutory requirement for an interim order to be reviewed within three months of the order being reviewed. It noted that no application for an adjournment had been made by Mr Darfoor and there was no information before the Committee that adjourning would secure his attendance at a later date. On the basis of the information before it, the Committee concluded that Mr Darfoor had voluntarily absented himself from today's hearing.
12. In all these circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Mr Darfoor and any representatives for either party.

## **Background**

13. Mr Darfoor's case was first considered by the IOC on 11 August 2021, when it determined that it was necessary for the protection of the public and was otherwise in the public interest to impose an interim suspension order for a period of 18 months.
14. The initial IOC summarised the concerns as follows:

*"The General Dental Council ("the Council") is investigating new information relating to your fitness to practise.*

*Whilst considering other matters said to adversely affect your fitness to practise, the Council received information relating to alleged inadequacy in your indemnity arrangements over period(s) from 2014 to at least 2018.*

*The information suggests there are inaccuracies, omissions and discrepancies in your representations to brokers, insurers, the Council and possibly others including patients, primarily in connection with your dental practice and indemnity. The Council will say that this potentially calls into question your probity, professionalism and integrity over at least the same period.*

*The Council have instructed a financial expert to consider this information and the resulting report is critical of your indemnity arrangements for period(s) from 2014 to at least 2018.*

*The Council say that previous fitness to practise findings as well as past and present fitness to practise investigations are relevant to consideration of the information."*

15. The order for interim suspension was reviewed by the IOC on 26 January 2022, 11 July 2022 and 05 January 2023. The interim suspension order was continued on each occasion on the same statutory grounds of public protection and the wider public interest. It was extended by the High Court on 10 February 2023. The matter was reviewed by an IOC on 26 April 2023, and 9 October 2023 where the interim suspension order was continued on the same grounds for the remainder of the extended High Court period. It was extended by the High Court on 5 February 2024 and extended for a further period of 7 months.
16. The Case Examiners had decided that the matter should be referred to a Practice Committee. The Case Examiners decision is based on the allegations relating to Mr Darfoor's alleged lack of indemnity, with corresponding allegations of misinformation, dishonesty and a lack of integrity. These include allegations of dishonesty towards his various insurance brokers or providers. It is also alleged that he dishonestly attempted to mislead the August 2021 IOC on his indemnity arrangements in a witness statement which he had signed and in relation to allegedly inaccurate statements he had caused or allowed his counsel to make regarding his indemnity arrangements.

17. A Professional Conduct Committee hearing has been listed for 24 June 2024 to 4 July 2024. The Council has disclosed its case to the Registrant.
18. This is the sixth review of this order. The order is due to expire on 11 September 2024.

### **Submissions**

19. In its written submissions, the GDC invited the Committee to continue the current order of interim suspension:

“...In light of the information before the Committee, the Council submits that it is self-evident that an interim order is necessary to protect the public and is otherwise in the public interest. In the circumstances an order of suspension is the only proportionate restriction. The reasoning of previous Committees remains sound today.”

20. Mr Darfoor has not provided any submissions for the Committee to consider at today's hearing.

### **Decision on review**

21. In reviewing this order, the Committee considered all the documentation contained within the hearings bundle, as well as the written submissions made. The Committee had regard to the GDC's '*Interim orders guidance for decision making - Interim Orders Committee (October 2016)*' and accepted the advice of the Legal Adviser. The Committee bore in mind the overarching objectives: to protect, promote and maintain the health, safety and well-being of the public; to promote and maintain public confidence in the dental and dental care professions; and to promote and maintain proper professional standards and conduct for members of the dental and dental care professions.
22. The Committee first considered whether an interim order remains necessary on the grounds of public protection.
23. The Committee considered that the multiple allegations against Mr Darfoor are serious, relating to a lack of adequate indemnity cover and of dishonesty. The Committee considered the information before it to be cogent. It took into account that there has been no material change in circumstances to demonstrate that no order is necessary since the last review. It noted that the concerns have now been referred to a PCC. On the basis of the information before it, the Committee has concluded that there remains a real risk of harm should Mr Darfoor be able to practise without restriction.
24. The Committee next considered whether an interim order is still required on the grounds of public interest in order to maintain confidence in the profession and the GDC as its regulator.
25. The Committee concluded that the allegations are very serious and damaging to public confidence. It considered that a well-informed member of the public, aware of all the circumstances in this case, would be shocked to learn that no interim order had remained in force whilst the allegations continued to be investigated. Therefore, the Committee determined that an interim order is also necessary on the grounds of public interest.
26. Having determined an interim order is necessary in the circumstances, the Committee must impose the minimum restriction on Mr Darfoor's registration necessary to protect the public and the wider public interest.
27. In considering the type of order required, the Committee has applied the principle of proportionality, balancing the public interest with Mr Darfoor's own interests.

28. In the Committee's view, there is no information before it to suggest that the risk to the public has reduced nor had it had any engagement from the Registrant in relation to this review. Therefore, an order of interim conditions would not be sufficient in this case. The Committee determined that an order of interim suspension is the appropriate and proportionate order.
29. The Committee notes that the continuation of this interim suspension order prevents Mr Darfoor from practising as a dentist pending the GDC's investigation into the allegations. However, given the serious nature of the allegations against Mr Darfoor, the Committee is satisfied that the need to protect the public and the wider public interest outweigh his own interests.
30. The interim suspension order will continue for the remainder of the current order.

### **Review of the order**

31. Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative hearing within the next six months. The Committee will be invited by the GDC to confirm the order and Mr Darfoor will be asked whether there are any written submissions to be put before the Committee on his behalf. Mr Darfoor will then be notified of the outcome in writing following the decision of the Committee.
32. Alternatively, Mr Darfoor is entitled to have the interim order reviewed at an oral hearing. This means that he will be able to attend and make representations, send a representative on his behalf or submit written representations about whether the order continues to be necessary. Mr Darfoor must inform the GDC if he would like the interim order to be reviewed at a hearing.
33. Even if Mr Darfoor does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked, varied or replaced, the Committee will review the order at a hearing to which he and any representative will be invited to attend.
34. Notification of this decision will be served upon Mr Darfoor in accordance with Section 32(7)(b) of the Act.
35. That concludes this determination.