

Hearing held in public

Summary

Name:	SALAMI, Naveed [Registration number: 77085]
Type of case:	Professional Conduct Committee (review)
Outcome:	Suspended indefinitely
Duration:	N/A
Date:	12 August 2022
Case number:	CAS-186347

Neither party is present at this resumed hearing of the Professional Conduct Committee (PCC). The hearing is being conducted remotely using Microsoft Teams in line with the GDC's current practice. The GDC has invited the Committee to conduct the hearing on the papers in the absence of both parties.

Purpose of hearing

The purpose of today's hearing is to review a substantive direction of suspension first imposed on Mr Salami's registration by the PCC on 25 September 2019. The hearing is being held in accordance with section 27C of the Dentists Act 1984 (as amended) ('the Act').

Service

The Committee first considered whether service has been properly effected in accordance with the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules').

In its written representations to the Committee the GDC has submitted that Mr Salami has been properly notified of today's hearing in accordance with Rule 28 of the Rules. The Committee noted that a notice of hearing was sent to Mr Salami's registered address on 1 July 2022 using the Royal Mail's Special Delivery service. Copies of the notice were also sent by email and first class post. The notice set out the date and time of the hearing, as well as confirming the remote nature of the hearing and the powers available to the Committee. The Royal Mail's Track and Trace service records that an attempt was made to deliver the notice on the morning of 2 July 2022, and that as that attempt had been unsuccessful the notice was subsequently returned to the GDC's offices.

The Committee accepted the advice provided by the Legal Adviser. Having regard to the GDC's submissions and the evidence placed before it the Committee was satisfied that service was effected in accordance with the Rules.

Proceeding in absence

The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Mr Salami in accordance with Rule 54 of the Rules. It was mindful that its discretion to proceed in the absence of a registrant must be exercised with the utmost care and caution.

The Committee notes that the GDC has invited the Committee to proceed in the absence of Mr Salami and to conduct the hearing on the papers alone.

The Committee accepted the advice of the Legal Adviser. In the Committee's judgement an adjournment, which Mr Salami has not in any event sought, would be highly unlikely to secure his attendance. It determined that Mr Salami has voluntarily absented himself from these proceedings. The Committee also considered that it is in the public interest for there to be an expeditious consideration of this case, particularly given the imminent expiry of the suspension on 27 August 2022.

The Committee therefore determined that, in the circumstances, it was fair and appropriate to proceed on the papers alone in the absence of both parties.

Existing order

In September 2019 the PCC held a hearing of inquiry in respect of allegations relating to Mr Salami's conduct. Mr Salami was not present and was not represented in his absence. The Committee heard, and found proved, that Mr Salami had failed to provide an adequate standard of care and treatment to a patient, with particular regard to the areas of patient assessment, radiography and crownwork.

The Committee went on to determine that the facts that it had found proved amounted to misconduct, and that Mr Salami's fitness to practise was impaired by reason of that misconduct. The Committee determined to suspend Mr Salami's registration for a period of ten months, with a review hearing to take place prior to the expiry of his suspension. The Committee also made recommendations as to the information that Mr Salami might supply to the reviewing Committee, including evidence of targeted continuing professional development (CPD) designed to address the identified deficiencies.

The direction of suspended registration was reviewed by the PCC on 29 July 2020. The Committee determined that Mr Salami's fitness to practise remained impaired, and that the suspension should be extended for a period of 12 months.

The extended period of suspended registration was next and most recently reviewed by the PCC on 6 August 2021. The Committee determined that Mr Salami's fitness to practise remained impaired, and that the suspension should be extended for a further period of 12 months.

Committee's determination

The Committee has carefully considered all the information presented to it, including the written documentation and submissions provided by the GDC. In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has accepted the advice of the Legal Adviser.

Impairment

The Committee notes that in its written submissions to the Committee the GDC submits that Mr Salami's fitness to practise remains impaired in light of the lack of any evidence submitted by Mr Salami to demonstrate that he has addressed the identified concerns.

The Committee has determined that Mr Salami's fitness to practise remains impaired. The Committee has reminded itself that Mr Salami effectively bears the persuasive burden in

demonstrating that his fitness to practise is no longer impaired. The Committee has received no information whatsoever from Mr Salami to suggest that he has taken any steps to remedy the misconduct that has previously been found, or indeed that he has any intention of doing so. The Committee considers that the risk of repetition of Mr Salami's misconduct persists, and that he continues to pose a risk to the public. Mr Salami's fitness to practise therefore remains impaired.

The Committee also considers that a finding of current impairment is once more required in the public interest in order to maintain trust and confidence in the profession and declare and uphold proper professional standards of conduct and behaviour.

Sanction

The Committee considered whether it would be appropriate to revoke the suspension, or to replace the suspension with a direction of conditional registration.

The Committee considered that, given its finding of current impairment, revoking the suspension would be insufficient to protect the public and would also undermine public trust and confidence in the profession.

The Committee next considered whether it could formulate conditions which would be workable and which would meet the issues that have been identified. The Committee concluded that a direction of conditional registration would be insufficient to protect the public and would also undermine public trust and confidence in the profession. The Committee notes that Mr Salami has not engaged with these proceedings and is not in attendance at today's hearing. In the absence of such engagement the Committee is not able to identify conditions which would be workable, and it also considers that conditions would be unlikely to be complied with on account of Mr Salami's longstanding lack of participation.

The Committee then went on to consider whether it would be appropriate to extend the current period of suspension. The Committee considers that a further extension of the current direction of suspension would serve little purpose given Mr Salami's ongoing lack of engagement. The Committee is also mindful of the public interest in the efficient regulation of the profession, and it considers that a further direction of suspension would not be an effective and proportionate use of the GDC's resources.

The Committee notes that in its written submissions the GDC invited the Committee to consider making Mr Salami's suspension indefinite.

The Committee considers that a direction of indefinite suspension is the appropriate and proportionate sanction. Mr Salami has not engaged with these proceedings for a considerable period of time. The Committee has no information to suggest that he is minded to engage, for instance by developing and demonstrating insight into and remediation of his misconduct. As set out above, the Committee considers that a further direction of suspension for a specific period of time would not be an appropriate disposal. Instead, the Committee directs that Mr Salami's registration be suspended indefinitely in accordance with section 27C (1) (d) of the Act. This indefinite suspension will take effect from the date on which the existing period of suspension would otherwise expire, namely 27 August 2022.

Right of appeal

Mr Salami will have 28 days from the date on which notice of this decision is deemed to have been served on him to appeal against this decision. Should he decide to appeal, the existing direction of suspension will remain in force until the resolution of any such appeal. Should he

decide not to appeal, the substantive direction of indefinite suspension will take effect on the date on which the current suspension would otherwise expire, that is to say on 27 August 2022.

That concludes this case for today.