

PRIVATE HEARING**Health Committee
Review Hearing
7 May 2025**

Name: PATEL, Bhavish

Registration number: 74574

Case number: CAS-197607-X2Z7G9

General Dental Council: Ms Gemma Hobcraft, counsel.
Instructed by IHLPS

Registrant: Present
Represented by Mr Rawlinson, counsel.
Instructed by Weightmans

Fitness to practise: Impaired by reason of health

Outcome: Conditions extended (with a review)

Duration: 12 months

Committee members: Andrea Hammond (Chair and DCP member)
Sukhninder Sandhar (Dentist member)
Kamaljit Sandhu (Lay member)

Legal adviser: Andrew Granville-Stafford

Committee Secretary: Jamie Barge

At this hearing the Committee made a determination that includes some private information. That information has been omitted from the separate public version of this determination, and that public document has been marked to show where private material has been removed. The private material appears in highlighted form in this private version of the determination.

Mr Patel

1. This is a resumed hearing pursuant to Section 27C of the Dentists Act 1984 (as amended) ('the Act') to review the order of conditions for a period of 12 months which was determined by a reviewing Health Committee (HC) in May 2023.
2. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams. You are present and represented by Mr Rawlinson (Counsel). Ms Gemma Hobcraft (Counsel) is the Case Presenter for the GDC.

Decision on application to hold the hearing in private

3. At the outset of the hearing, Ms Hobcraft made an application under Rule 53(2)(a) of the *GDC (Fitness to Practise) Rules Order of Council 2006*, for the entire hearing to be held in private. She submitted that the matters to be discussed during these proceedings would relate primarily to your health, as well as to other sensitive and personal matters.
4. Mr Rawlinson agreed to the application.
5. Having noted the agreement of both parties, and having accepted the advice of the Legal Adviser, the Committee acceded to the application for an entirely private hearing. The Committee noted that this hearing relates principally to the matter of your health. It therefore concluded that a wholly private hearing was the most appropriate course to protect your private and family life.

Background

6. "Your case was first considered by the HC at a hearing held in August 2022. **[IN PRIVATE]**.
7. The HC in August 2022 found proved allegations, all of which you admitted, relating to your adverse health, and to your failure to cooperate with the GDC's investigation into your fitness to practice. **[IN PRIVATE]**. In terms of your misconduct, you admitted, and it was found proved that from 26 April 2021 to 27 May 2021, you failed to cooperate with the investigation conducted by the GDC by not providing the Council with the following information:
 - Details of your working arrangements covering the period from 12 April 2021 onwards.
 - Sufficient evidence of indemnity covering the period from 12 April 2021 onwards.
 - A medical reference form completed by your General Practitioner or other medical practitioner.
 - A completed Health Assessment form.
8. With regard to your failure to cooperate with the GDC's investigation, the HC in August 2022 found that this amounted to misconduct. It stated the following in its determination:

"Whilst the Committee took into account your evidence about your personal circumstances around the material time, it did not consider that they excused what was a serious breach of a fundamental tenet of the dental profession. Your failure to respond to the GDC's

communications and to provide the information sought, served to undermine its role as the regulator of the profession”.

9. *In determining whether your fitness to practise as a dentist was impaired, the HC in August 2022 considered the issue of your misconduct, as well as the health matters found proved.*
10. *With regard to your misconduct, that initial HC determined that a finding of impairment on the basis of public protection was not necessary. However, it was satisfied that your misconduct required a finding of impairment in the wider public interest. In this regard, it stated the following in its determination:*

“Engaging with the GDC, as your regulatory body, is a fundamental GDC Standard. The Committee has found, and you have admitted, that you failed in your duty to adhere to this important requirement...In the Committee’s view, given your serious breach of a fundamental GDC Standard, public confidence in the dental profession would be undermined if a finding of impairment were not made in the circumstances of this case. It also considered that such a finding is required to uphold and declare professional standards.”

11. *The HC in August 2022 also found your fitness to practise to be impaired on the basis of your adverse health. [IN PRIVATE].*
12. *The sanction imposed on your registration by the HC in August 2022 was an order of suspension for a period of nine months. That Committee also directed a review of your case shortly before the end of the period of suspension. It stated in its determination that the reviewing Committee might be assisted by the following evidence:*
 - *your continued meaningful engagement with the GDC.*
 - *[IN PRIVATE.]*
 - *evidence of your Continuing Professional Development.*
 - *any other evidence that you consider may be helpful”.*

First Review 15 May 2023

13. *Your order of suspension was reviewed by the HC on 15 May 2023. You attended the hearing and were represented by Mr Hewitt. On that occasion, the reviewing Committee determined that your fitness to practise was no longer impaired by reason of your misconduct. However, it reached the view that you remain impaired by reason of adverse health on the grounds of public protection and in the wider public interest. The reviewing Committee determined to revoke the order of suspension and replace it with an order of conditions for a period of 12 months with a review.*

Second Review 29 April 2024

14. *Your conditions of practise order was reviewed by the HC on 29 April 2024. You attended the hearing and were represented by Mr Rawlinson. On that occasion, the reviewing Committee determined that your fitness to practise remained impaired by reason of adverse health on the grounds of public protection and in the wider public interest. The reviewing Committee determined to continue with the order of conditions for a further period of 12 months with a review.*

Today's Review

15. This Health Committee has comprehensively reviewed your case. It has taken account of the submissions made by Ms Hobcraft on behalf of the GDC and those made by Mr Rawlinson on your behalf. The Committee accepted the advice of the Legal Adviser.
16. Ms Hobcraft on behalf of the GDC took the Committee through the background of this case and submitted that in light of the evidence presented, the GDC invites the Committee to find that your fitness to practise remains currently impaired by reason of your adverse health on the grounds of public protection and the wider public interest.
17. Ms Hobcraft referred the Committee to the bundle of documents before it and submitted that the GDC acknowledges that you have made improvements since the last review hearing in April 2024. **[IN PRIVATE]**.
18. **[IN PRIVATE]**
19. **[IN PRIVATE]**. Ms Hobcraft invited the Committee to extend your conditions for a further period of 12 months with a review for both the protection of the public and to maintain public confidence in the profession .
20. Mr Rawlinson on your behalf submitted that you accept that your fitness to practise remains impaired by reason of your adverse health condition. He invited the Committee to focus on the real and tangible progress you have made since the last review hearing in April 2024.
21. **[IN PRIVATE]** Mr Rawlinson invited the Committee to extend the conditions for a further period of 12 months with a review.

Current Impairment

22. In considering whether your fitness to practise remains impaired, the Committee has borne in mind that this is a matter for its own independent judgement. It has also had regard to its duty to protect the public, declare and uphold proper standards of conduct and competence and maintain public confidence in the profession and the way it is regulated.
23. The Committee first considered whether you have complied with the conditions imposed on your registration. It was satisfied from the evidence before it that you appear to have broadly complied with your conditions .
24. **[IN PRIVATE.]**
25. **[IN PRIVATE]**
26. The Committee noted that both parties have stated that your fitness to practise is currently impaired by reason of your adverse health on the grounds of public protection and public interest.

27. Having taken all the evidence into account, the Committee determined that your fitness to practise remains impaired by reason of your adverse health for the protection of the public and also in the wider public interest. It noted that this was accepted in the submissions made on your behalf.

Decision on sanction

28. The Committee next considered what action to take in respect of your registration. It had regard to section 27C(2) of the Act, which sets out the directions it may make at this review. It also took into account the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (Effective from October 2016; last revised in December 2020)*'.
29. The Committee noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect the public and to uphold the public interest. The Committee applied the principle of proportionality, balancing the public interest with your own interests.
30. The Committee was satisfied that an order on your registration is still required, [IN PRIVATE].
31. The Committee determined that the conditions remain workable and proportionate in their current form. It noted that this was the course of action advocated by both parties. In reaching its decision, the Committee had regard to all the evidence, including the evidence of your increased insight into your health, your continued engagement with the GDC [IN PRIVATE]. In all the circumstances, the Committee determined that a further period of 12 months conditional registration with a review would be appropriate, proportionate, and workable. In addition, the next reviewing Committee may be assisted by a written reflective statement from you. [IN PRIVATE]
32. Conditions 1 to 5 and 14 to 23 are public conditions and they will appear alongside your name in the GDC Register. Conditions 6 to 13 relate to your health and will be kept confidential:

[PUBLIC]

1. He must within 7 days notify the GDC of any professional appointment he accepts which requires GDC registration and provide the contact details of his employer or any organisation for which he is contracted to provide dental services and details of the Commissioning Body on whose Dental Performers List he is included.
2. If employed, he must provide contact details of his employer and allow the GDC to exchange information with his employer or any contracting body for which he is contracted to provide dental services.
3. He must inform the GDC within 7 days of any formal or informal disciplinary proceedings taken against him, from the date of this determination.
4. He must inform the GDC within 7 days of any complaints made against him from the date these conditions take effect.
5. He must inform the GDC within 7 days from the date of application, if he applies for dental employment outside the UK.

[PRIVATE]

6. [PRIVATE]

7. [PRIVATE]

8. [PRIVATE]

9. [PRIVATE]

10. [PRIVATE]

11. [PRIVATE]

12. [PRIVATE]

13. [PRIVATE]

[PUBLIC]

14. At any time, he is employed, or providing dental services, which require him to be registered with the GDC; he must agree to the appointment of a reporter nominated by him and approved by the GDC. The reporter shall be a GDC registrant in the same category as the registrant (or higher). The reporter shall work in the same practice as the Registrant.
15. He must meet every two weeks with his reporter, (this can be done remotely) and conduct work based reflective practice.
16. He must not start or restart work until his reporter has been approved by the GDC.
17. He must present the reporter with a copy of this determination within 7 days of the reporter being approved. He must provide the GDC with a copy of the notification to his reporter within 7 days.
18. He must not engage in single handed dental practice.
19. He must not work as a locum or undertake any out-of-hours work.
20. He must provide a report from the reporter to the GDC every 3 months and, at least 14 days in advance of any review hearing. This report should include:
- Confirmation of compliance from the reporter;
 - Confirmation of any complaints (formal or informal) received;
 - Any other relevant information.
21. He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services referred to in these conditions.

22. He must inform within 7 days, the following parties that his registration is subject to the conditions, listed at (1) to (21), above:

- Any organisation or person employing or contracting with him to undertake dental work.
- Any prospective employer (at the time of application).
- The Commissioning Body in whose Dental Performers List he is included, or seeking inclusion (at the time of application)

He must provide evidence to the GDC that he has done so within 7 days.

23. He must permit the GDC to disclose the above conditions, (1) to (22), to any person requesting information about his registration status.

Review of the order

33. A Committee will review your case at a resumed hearing to be held shortly before the end of this period of conditional registration. That Committee will consider what action to take in relation to your registration. You will be informed of the date and time of that resumed hearing.

34. In addition to evidence of your compliance with the above conditions, this Committee considered that the next Committee may find it helpful to receive your up-to-date written reflections on your experience of returning to clinical practice.

35. Unless you exercise your right of appeal, the above conditions will take effect 28 days from the date that notice is deemed to have been served upon you.

36. That concludes the hearing.