

PUBLIC DETERMINATION

HEARING PARTLY HEARD IN PRIVATE*

* At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.

IGOE, Layla

Registration No: 6655

HEALTH COMMITTEE

MARCH 2016 – APRIL 2018

Most recent outcome: Suspended indefinitely **

** See page 3 for the latest determination

Layla IGOE, a dental hygienist, Dip Dent Hygiene RCS Edin 2005, was summoned to appear before the Health Committee on 21 March 2016 for an inquiry into the following charge:

Charge

“That being a registered dental care professional:-

1. You have an adverse mental or physical health condition (see Schedule A¹).

And your fitness to practice is impaired by reason of your health.”

On 21 March 2016 the Chairman made the following statement regarding the finding of facts (in private) and announced the determination as follows:

“Miss Igoe

You are present at this hearing of the Health Committee (HC) and are represented by Mr Neil Sheldon of Counsel. Ms Sophie Holme of Counsel appears for the General Dental Council (GDC).

Preliminary matters

At the outset of the hearing Ms Holme made an application for the case to be heard in private in accordance with Rule 53 of the General Dental Council (Fitness to Practise) Rules 2006 (‘the Rules’). Mr Sheldon on your behalf supported the application. The Committee, having accepted the advice of the Legal Adviser, decided to accede to the application on the basis that the case directly relates to your health. After the reading of the charge, without its private schedule, and after hearing your admission to the charge, the remainder of the hearing took place in private.

¹ The Schedule is a private document and cannot be disclosed to the public.

Background to the case and summary of the allegation

The allegation that has given rise to these proceedings is that you suffer from a medical condition, and that your fitness to practise as a dental hygienist is impaired as a result. Mr Sheldon on your behalf tendered your admission to the charge.

IN PRIVATE

[text omitted]

IN PUBLIC

The Committee, having determined that your fitness to practise is impaired by reason of your health, has determined that your name should be suspended from the Register for a period of 12 months, and that the suspension should be reviewed prior to its expiry. The Committee has also decided to impose an immediate suspension order.

That concludes this case.”

On 5 April 2017 at a review hearing, the Chairman announced the determination as follows:

“Miss Igoe,

Background

[PRIVATE].

This review

Today this Committee has reviewed the matter. It heard submissions from Mr Round on behalf of the GDC and from you. It accepted the advice given to it by the Medical Adviser and by the Legal Adviser.

Mr Round submitted that your fitness to practise remains impaired and that an extension of the order of suspension for a further 12 months is necessary in this case for the protection of the public and in the public interest.

You told the Committee that you agree that an extension of the current order for the suggested duration is appropriate.

[PRIVATE].

In light of its findings, and having regard to the need to protect the public and maintain public trust and confidence in the profession and in the regulatory process, the Committee has determined that your fitness to practise continues to be impaired.

Sanction

The Committee then went on to determine what sanction, if any, would be appropriate in light of the findings that it has made. The Committee recognises that the purpose of a sanction is not punitive, although it may have that effect, but is instead imposed in order to protect patients and safeguard the wider public interest.

In reaching its decision the Committee has applied the principle of proportionality, balancing the public interest with your own interests.

In the light of the findings made against you, the Committee has determined that it would be wholly inappropriate to revoke the current order of suspension. [PRIVATE]. The action taken by the Committee must appropriately meet those concerns.

The Committee next considered whether to replace the order of suspension with one of conditions. The Committee determined that there were no conditions that could adequately address the risks identified.

The Committee then considered whether it was necessary to extend the current order of suspension on your registration. The Committee noted that both you and Mr Round agree that such a sanction would be appropriate at this stage.

The Committee determined that a further period of suspension is proportionate and appropriate. Such a sanction will address the identified risks to the public and safeguard the wider public interest.

The Committee therefore directs that your name be suspended from the Register for a further period of 12 months. It further directs that the order be reviewed shortly before the end of the period.

[PRIVATE].

The Committee hereby directs that the suspension of your registration in the Register be extended for a period of 12 months, with a review hearing to take place before the end of your suspension."

On 10 April 2018 at a second review hearing the Chairman announced the determination as follows:

SERVICE

"Ms Igoe is neither present nor represented at today's hearing. In her absence, the Committee first considered whether notice of this hearing had been served on her in accordance with Rules 28 and 65 of the General Dental Council (GDC) (Fitness to Practise) Rules Order of Council 2006 (the rules).

The Committee has seen a copy of the Notification of Hearing, dated 5 March 2018, that was sent to Ms Igoe's registered address by way of Special Delivery and by email. The Committee is satisfied that the letter contained proper notification of today's hearing, including its time, date and location, as well as notification that the Committee has the power to proceed with the hearing in Ms Igoe's absence.

The Committee has seen a printout from the Royal Mail Track and Trace website service indicating that the notice was delivered and signed for in the name of 'L Igoe' on 6 March 2018.

The Committee was therefore satisfied that the notice of this hearing was served on Ms Igoe in compliance with the rules.

PROCEEDING IN THE ABSENCE OF THE REGISTRANT

The Committee went on to consider whether to exercise its discretion under Rule 54 to proceed with the hearing in Ms Igoe's absence.

The Committee heard the submissions from Mr Round on behalf of the GDC and took account of the advice of the Legal Adviser. The Committee was mindful that this was a discretion that must be handled with the utmost care and caution.

The Committee noted that there had been no response from Ms Igoe in relation to the notice of hearing.

Ms Igoe was sent notice of today's hearing by recorded post and by email. The Committee took the view that she is likely aware of today's hearing but has chosen voluntarily to absent herself.

Ms Igoe has not requested an adjournment of the proceedings and the Committee has no reason to believe that an adjournment would result in her attendance at a rescheduled hearing. Having weighed the interests of Ms Igoe against those of the GDC and the public interest in the expeditious disposal of this hearing the Committee has determined to proceed in her absence.

PROCEEDING IN PRIVATE

At the start of these proceedings the GDC case presenter, Mr Round, made an application under Rule 53(2) of the General Dental Council (Fitness to Practise) Rules Order of Council 2006 (the Rules) that this hearing should proceed in private as the matters under consideration relate entirely to Ms Igoe's health. The Committee accepted the advice of the Legal Adviser. It acceded to Mr Round's application.

BACKGROUND

On 21 March 2016 the Health Committee [PRIVATE MATERIAL]. It imposed an order of suspension upon her registration for a period of 12 months with a requirement that the matter be reviewed at the end of the period.

At a resumed hearing on 5 April 2017 the Committee determined that Ms Igoe's fitness to practise remained impaired. The suspension order was extended for a further period of 12 months with a requirement that the matter be reviewed at the end of the period.

[PRIVATE MATERIAL].

[PRIVATE MATERIAL].

This review

Today this Committee has reviewed the matter for the second time. It heard submissions from Mr Round on behalf of the GDC. It accepted the advice given to it by the Medical Adviser and by the Legal Adviser.

Mr Round submitted that Ms Igoe's fitness to practise remains impaired and that an order of indefinite suspension is now necessary for the protection of the public and in the public interest. He submitted that Ms Igoe has failed to engage, [PRIVATE MATERIAL].

The Committee read the report of the GDC's expert witness, [PRIVATE MATERIAL].

[PRIVATE MATERIAL]

[PRIVATE MATERIAL]

[PRIVATE MATERIAL].

[PRIVATE MATERIAL].

[PRIVATE MATERIAL].

In light of its findings, and having regard to the need to protect the public and maintain public trust and confidence in the profession and in the regulatory process, the Committee has determined that Ms Igoe's fitness to practise continues to be impaired.

Sanction

The Committee went on to determine what sanction, if any, would be appropriate in light of the findings that it has made. The purpose of a sanction is to protect patients and safeguard the wider public interest. It is not intended to be punitive, although that may inevitably be the result.

In reaching its decision the Committee has applied the principle of proportionality, balancing the public interest against Ms Igoe's interests.

In the light of the evidence before it [PRIVATE MATERIAL], the Committee has determined that it would be wholly inappropriate to revoke the current order of suspension and take no further action. Ms Igoe's health condition continues to raise significant concerns about patient safety and public confidence in the profession. The action taken by the Committee must appropriately meet those concerns.

The Committee next considered whether to replace the order of suspension with one of conditions. The Committee determined that conditions would not be workable given Ms Igoe's [PRIVATE MATERIAL] lack of engagement. Furthermore, the Committee takes the view that conditions would not adequately address the risks identified.

The Committee then considered whether it was necessary to extend the current order of suspension on Ms Igoe's registration. The Committee determined that continued suspension is proportionate and appropriate in the circumstances of this case. It was satisfied that such a sanction will address the identified risks to the public and safeguard the wider public interest.

The Committee considered an extension of the suspension order for a further given period. However, in the light of the two previous 12 month suspension orders [PRIVATE MATERIAL], it determined that such a step would serve no positive purpose. Ms Igoe [PRIVATE MATERIAL] and she no longer engages with the GDC.

The Committee therefore directs that Ms Igoe's name be suspended from the Register for an indefinite period.

It is open to Ms Igoe to apply for a review of this order after two years have elapsed.

That concludes the case."