

PRIVATE (IN PART) HEARING

Professional Conduct Committee Review Hearing

21 November 2024

Name: CORMACK, Savanna
Registration number: 280491
Case number: CAS-200907-L1K0R7

General Dental Council: Priya Malhotra, Counsel.
Instructed by Amy Jones, IHLPS

Registrant: Not present and not represented

Fitness to practise: Impaired by reason of conviction, misconduct and adverse health

Outcome: Suspension extended (with a review)

Duration: 12 months

Committee members: Peter Ommer (Dentist) (Chair)
Donna Lightbody (Dental Care Professional)
Jim Hurden (Lay)

Legal adviser: Angus Macpherson

Committee Secretary: Andrew Keeling

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.

1. This was a review hearing before the Professional Conduct Committee (PCC) in accordance with Section 36Q of the Dentists Act 1984 (as amended) ('the Act'). The

purpose of this hearing was for this PCC to review Miss Cormack's case and determine what action to take in relation to her registration.

2. Miss Cormack was neither present nor represented at this hearing. Miss Malhotra, Counsel, appeared on behalf of the General Dental Council (GDC). The hearing was held remotely on Microsoft Teams.
3. The Committee first considered the issues of service and whether to proceed with the hearing on the papers in the absence of Miss Cormack. The Committee accepted the advice of the Legal Adviser on both of these matters as to the provisions of the Rules and the approach it should take to its decision.

Preliminary Matters

Decision on Service of the Notice of Hearing

4. The Committee first considered whether notice of the hearing had been served on Miss Cormack in accordance with Rules 28 and 65 of the GDC's Fitness to Practise Rules 2006 ('the Rules') and Section 50A of the Dentists Act 1984 (as amended) ('the Act'). The Committee received from the GDC an indexed hearing bundle, which contained a copy of the Notice of Hearing ('the notice'), dated 14 October 2024, thereby complying with the 28-day notice period. The hearing bundle also contained a Royal Mail 'Track and Trace' receipt confirming that the notice was sent to Miss Cormack's registered address by Special Delivery. A copy of the notice was also sent by first-class post and emailed to Miss Cormack on 14 October 2024.
5. The Committee was satisfied that the notice sent to Miss Cormack contained proper notification of today's hearing, including its time, date and that it will be taking place remotely, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in Miss Cormack's absence.
6. On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Miss Cormack in accordance with the Rules and the Act.

Decision on Proceeding in the Registrant's Absence

7. The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Miss Cormack. The Committee approached the issue of proceeding in absence with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones [2003] 1 AC 1HL* and as explained in the cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis [2016] EWCA Civ 162*. It remained mindful of the need to be fair to both Miss Cormack and the GDC, taking into account the public interest and Miss Cormack's own interests in the timely review of the substantive order of suspension imposed.

8. The Committee noted that the notice of hearing was delivered to Miss Cormack's registered address on 16 October 2024. The information before the Committee indicates that there has been no response from Miss Cormack. She has not provided a reason for her non-attendance.
9. The Committee has not received any request for an adjournment from Miss Cormack. It noted that Miss Cormack did not attend the substantive hearing and she has recently indicated a wish to apply for voluntary removal from the register. It considered that adjourning the hearing would be unlikely to secure her attendance. Therefore, the Committee determined that it was fair and appropriate to proceed with the hearing in the absence of Miss Cormack.

Application for Hearing to be held in Private

10. Miss Malhotra made an application under Rule 53 of the Rules for the hearing to be part-heard in private as some of the matters at this hearing involved Miss Cormack's health. The Committee heard and accepted the advice of the Legal Adviser as to the provisions of the Rules and the approach it should take to its decision.
11. The Committee bore in mind that, as a starting point, hearings should be conducted in public session. However, the Committee was satisfied that the hearing should be part-held in private when discussing matters relating to Miss Cormack's health. It therefore acceded to the application.

Background

12. Miss Cormack's case was first considered by a PCC at a hearing in March 2024. Miss Cormack did not attend and was not represented at that hearing. At that hearing, the Committee found the following allegations proved:
 - On 23 May 2022, Miss Cormack was convicted at Newton Aycliffe Magistrates' Court of driving a motor vehicle on 17 April 2022, after consuming alcohol exceeding the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988;
 - Miss Cormack failed to immediately inform the GDC that on or around 17 April 2022, she was charged with the offence which led to her conviction as outlined above;
 - Ms Cormack has an adverse health condition, namely [PRIVATE].
13. That Committee determined that Miss Cormack's failure to immediately inform the GDC that she was charged with an offence amounted to misconduct.

14. That Committee further determined that Miss Cormack's fitness to practise was currently impaired by reason of her conviction, misconduct and adverse health on the grounds of public protection and the public interest.
15. In respect of Miss Cormack's conviction, that Committee took into account that Miss Cormack had provided no evidence of remediation or that she possessed any insight into the seriousness of her conviction. That Committee further noted that her conviction took place less than two years after a similar offence and just over two months after she had been formally warned by the GDC's Case Examiners (CEs) in relation to a previous conviction of driving whilst over the prescribed limit of alcohol in July 2020. It determined therefore that Miss Cormack's fitness to practise was impaired by reason of her conviction.
16. In respect of Miss Cormack's misconduct (her failure to immediately inform the GDC that she was charged with an offence), that Committee noted that there was no evidence that she was engaging with these proceedings and no evidence of insight, remorse or steps taken to prevent a recurrence. It was satisfied that there was a real risk of repetition of her misconduct in the future. It determined therefore that Miss Cormack's fitness to practise was impaired by reason of her misconduct.

17. [PRIVATE]

18. That Committee directed that Miss Cormack's name should be suspended from the Register for a period of nine months, with a review to take place before the expiry of the order. It recognised that her conviction, misconduct and adverse health were serious, but it did not consider it to be so serious that her conduct was fundamentally incompatible with continued registration. It recommended that a future reviewing Committee may be assisted to receive the following:
- A detailed reflective statement demonstrating Ms Cormack's insight into and understanding of her conviction and misconduct and its impact on the dental profession and the public confidence.
 - Evidence of engagement with the GDC.
 - Up to date medical evidence relating to Ms Cormack adverse health condition.

Today's Review

19. It was the role of the Committee today to undertake a comprehensive review of this case. In so doing, the Committee had careful regard to all the documentary evidence before it and took account of the submissions made by Miss Malhotra. No written submissions or documentary evidence was received from, or on behalf of, Miss Cormack. The Committee also heard and accepted the advice of the Legal Adviser as to its powers and the principles which should guide its approach. The Committee had

regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance (October 2016, updated December 2020)* ("the Guidance").

20. Miss Malhotra submitted that the burden was on Miss Cormack to satisfy the Committee that her fitness to practise is currently not impaired. However, she submitted that Miss Cormack has provided no evidence of insight or remediation. Therefore, she submitted that the risk of repetition remains high. Furthermore, she submitted that public confidence in the profession would be undermined if a finding of current impairment were not made. It would also be contrary to the public interest and inconsistent with the PCC's findings at the substantive hearing. She therefore invited the Committee to extend the suspension order for a period of 12 months.

Decision on Current Impairment

21. In making its decision, the Committee first sought to determine whether Miss Cormack's fitness to practise was currently impaired by reason of her conviction, misconduct and/or adverse health. It exercised its independent judgement and was not bound by the decision of the previous committee. It balanced Miss Cormack's interests with those of the public and bore in mind that its primary duty is to protect the public, including maintaining public confidence in the profession and declaring and upholding proper standards and behaviour. The Committee accepted the advice of the Legal Adviser as to its powers and the approach it should take to its decision.
22. The Committee noted that there has been no change since the conclusion of the substantive hearing. The Committee bore in mind that the burden was on Miss Cormack to satisfy the Committee that her fitness to practise is not currently impaired. However, she has not engaged with these proceedings and has communicated to the GDC that she wishes to voluntarily remove her name from the register. Miss Cormack has provided no evidence of remediation for consideration by this Committee, including the evidence recommended at the substantive hearing. [PRIVATE] Furthermore, she has provided no evidence of insight into her health condition, her conviction or misconduct. The Committee, therefore, concluded that there remains a risk of repetition of the failings found proved and that a finding of impairment was necessary in the interests of public protection.
23. In relation to the public interest, the Committee concluded that, in the absence of any evidence of remediation and insight from Miss Cormack, public confidence in the profession would be undermined if a finding of impairment were not made.
24. Accordingly, the Committee determined that Miss Cormack's fitness to practise remains impaired by reason of her misconduct, conviction and adverse health.

Decision on Sanction

25. The Committee next considered what sanction to impose on Miss Cormack's registration.
26. The Committee has found that Miss Cormack's fitness to practise remained impaired. In these circumstances, the Committee concluded that terminating the current suspension order would not be appropriate or sufficient for the protection of the public interest.
27. The Committee next considered whether to replace the current suspension order with one of conditions. In so doing, it noted that Miss Cormack has not engaged with these proceedings and has applied for voluntary removal from the register. In these circumstances, the Committee determined that conditions were not appropriate or workable for this case.
28. Accordingly, the Committee was satisfied that it was necessary to maintain the current suspension order in order to protect the public and maintain public confidence in the dental profession. The Committee determined that a further period of suspension was appropriate and proportionate. In the circumstances the Committee decided that Miss Cormack's registration should be suspended for a further period of 12 months with a review before the expiry. The Committee was of the view that this period would allow Miss Cormack to provide any evidence of remediation or insight into her conviction, misconduct and adverse health.
29. The Committee further wished to re-iterate that a future reviewing Committee may be assisted by the following:
- A detailed reflective statement demonstrating Ms Cormack's insight into and understanding of her conviction and misconduct and its impact on the dental profession and the public confidence.
 - Evidence of engagement with the GDC.
 - Up to date medical evidence relating to Ms Cormack adverse health condition.
30. The effect of the foregoing direction is that, unless Miss Cormack exercises her right of appeal, her registration will be suspended from the date on which the direction takes effect.
31. That concludes this determination.