

HEARING PARTLY HEARD IN PRIVATE*

*The Committee has made a determination in this case that includes some private information. That information has been omitted from the text.

WILLIAMS, Jonathan

Registration No: 76044

PROFESSIONAL CONDUCT COMMITTEE

MAY - JUNE 2023

Outcome: Suspended for 12 months with Immediate suspension (with review)

WILLIAMS, Jonathan, a dentist, BDS University of Wales 1999, was summoned to appear before the Professional Conduct Committee on 30 May 2023 for an inquiry into the following charge:

Charge

“That being registered as a dentist:

1. On 29 June 2020, you were convicted on indictment at Swansea Crown Court of:
 - a. Four counts of assault by beating;
 - b. One count of possession of Class A drugs.
2. You failed to inform the General Dental Council, in a timely manner or at all, that you were subject to the criminal proceedings which are the subject of 1 above.
3. From on or around 07 July 2021, to on or around 17 November 2021, you failed to cooperate with an investigation conducted by the General Dental Council, in that you did not provide the General Dental Council with any, or any adequate, response to requests for health assessment to be undertaken.
4. You have the adverse health condition(s) set out in Appendix A¹.

AND that by reason of the facts alleged, your fitness to practise is impaired by reason of conviction and/or misconduct and/or health.”

On 1 June 2023, the Chairman announced the finding of facts, and the determination as follows:

“Mr Williams,

1. This hearing was part-held in private under Rule 53(2) of the General Dental Council (Fitness to Practise) Rules 2006, in so far as matters concerning your health were discussed.

¹ Schedule A is a private document which cannot be disclosed.

2. At the outset of the hearing you admitted each of the charges against you. The Committee accepted your admissions and found the following heads of charge proved:

1.	<i>On 29 June 2020, you were convicted on indictment at Swansea Crown Court of:</i>
1. a.	<i>Four counts of assault by beating;</i> Admitted and found proved.
1. b.	<i>One count of possession of Class A drugs.</i> Admitted and found proved.
2.	<i>You failed to inform the General Dental Council, in a timely manner or at all, that you were subject to the criminal proceedings which are the subject of 1 above.</i> Admitted and found proved.
3.	<i>From on or around 07 July 2021, to on or around 17 November 2021, you failed to cooperate with an investigation conducted by the General Dental Council, in that you did not provide the General Dental Council with any, or any adequate, response to requests for health assessment to be undertaken.</i> Admitted and found proved.
4.	<i>You have the adverse health condition(s) set out in Appendix A.</i> Admitted and found proved.

3. The Committee then proceeded to “Stage two” of the hearing to determine whether your fitness to practise is currently impaired by reason of conviction (charges 1(a)-(b)) and/or misconduct (charges 2-3) and/or adverse physical or mental health (charge 4). At this stage of the proceedings, the Committee heard oral evidence from [IN PRIVATE] instructed by the General Dental Council (GDC) for an expert opinion on your health. The Committee also heard oral evidence from you and from Mr R. Jones, [IN PRIVATE].
4. The Committee received numerous testimonials and letters of support from professional colleagues and peers in support of your character and performance as a dentist.
5. In terms of your fitness to practise history, the Committee was provided with a copy of a warning from the Preliminary Proceedings Committee which had been issued to you in September 2005 in relation to a conviction you had received earlier that year for driving with excess alcohol.

Background

6. On 5 January 2020 you were arrested in connection with an assault, which was recorded by the Police in the following summary terms: *“Domestic violence assault with injury - victim alleges that she was assaulted by her [...], by being punched and kicked. This caused numerous bruises to the victim's body...”*. The Police also recorded that you were searched whilst in custody and that two small snap bags containing 0.49g and 0.42g of a Class A drug were found in your pocket. You were released on bail pending further investigation.
7. On 12 January 2020 you were arrested again in relation to a further assault against the same victim. This was in breach of your bail conditions, and you were remanded in custody.
8. On 29 June 2020 you were convicted on your guilty plea of four counts of assault by beating and one count of possession of Class A drugs. You were sentenced to 23 weeks' imprisonment, made subject to a Restraining Order for a period of 3 years and ordered to pay a victim surcharge of £122. As you had already served the full term of your prison sentence whilst being held on remand, you were immediately released from custody.
9. In his sentencing remarks*, HHJ Tomas stated:

“Jonathan Williams, last December and January your relationship with [...] turned violent. You assaulted her over a period of time and on various occasions in different ways. It was a catalogue of bullying, cowardly and vicious behaviour. It involved slapping, kicking and pushing her, on one occasion, down the stairs. Eventually she complained to the police and you were on police bail, and although she was at that stage ambivalent about the situation, you were ordered to have no contact with her. However, whilst on bail, on 12 January and during a period of reconciliation brokered by third party, you again assaulted her after you had arranged to meet her in a hotel, strictly more than one hotel. On this final occasion you grabbed her by the mouth and you pinned her to the bed.

...You are a middle aged man. You have no relevant previous convictions, but it is of significance that you are subject to an existing Restraining Order in respect of another female [...]. It is clear from your background that you are an intelligent man. That intelligence does not seem to, however, transmitted itself into an ability to control your emotions...”

*The Committee noted that the transcript of the sentencing remarks stated: “Recording date: 26 September 2020”. This appeared to be inconsistent with the terms of the Certificate of Conviction, which was dated 30 July 2020 and which certified that you had been sentenced on 29 June 2020. The Committee concluded that the date contained in the transcript might be a typographical error (26.09.20 rather than 29.06.20). In any event, nothing turned on this point and so the Committee determined that it would be unnecessary to recall the parties to seek clarification.

10. There was a professional duty on you under Standard 9.3.1 of the GDC's *Standards for the Dental Team* (effective 30 September 2013) (the "Standards") to have immediately informed the GDC of these criminal proceedings. You did not do so and were therefore in breach of this duty.
11. As part of its investigation into your fitness to practise, the GDC wrote to you by email on 7 July 2021 to requiring you to undergo a health assessment as part of its investigation. It provided you with forms to complete for the purposes of the assessment, including consent forms and a medical reference to be completed by a General Practitioner. You did not complete those forms. The GDC followed up on its request in email correspondence to you and your then legal representatives, culminating in an email on 10 November 2021 which gave you a deadline of 17 November 2021 to complete the forms. The forms remained uncompleted by that deadline. This was in breach of Standard 9.4.1 of the Standards, which states: "*If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter.*"
12. You subsequently cooperated with the GDC's investigation. [IN PRIVATE]

Submissions

13. Mr Mansell, on behalf of the GDC, submitted that the facts found proved under charges 2 and/or 3 amount to misconduct and that your fitness to practise as a dentist is impaired by reason of: (i) misconduct; (ii) conviction; and (iii) adverse physical or mental health. He submitted that the appropriate outcome in this case is erasure. Mr Cameron, on your behalf, did not resist a finding of current impairment, although he said that impairment should be found only on the grounds of adverse health. He submitted that conditions of practice would be the appropriate outcome in this case.

Decision

14. The Committee accepted the advice of the Legal Adviser.
15. The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, last revised December 2020) (the "ISG").

Impairment by reason of misconduct

16. The Committee first considered whether the facts found proved under Charge 2 amounted to misconduct, namely your failure to have informed the GDC in a timely manner that you were subject to the criminal proceedings discussed above. Misconduct is a serious departure from the standards reasonably expected of a dental professional.
17. You did not inform the GDC of the criminal proceedings.
18. Standard 9.3.1 of the Standards states: "*You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information.*"

19. The GDC's *Guidance on reporting criminal proceedings* (effective 30 September 2013) "sets out which criminal proceedings you must inform the GDC about" and states:
"...If, on or after 30 September 2013, you are charged with a criminal offence or subject to any criminal proceedings you must adhere to this guidance. The Rehabilitation of Offenders Act 1974 does not apply."
You must inform the GDC if anywhere in the world you:
 - a. *are charged with a criminal offence..."*
20. The Guidance does not set out being arrested as engaging a duty to immediately inform the GDC of criminal proceedings. Rather, the duty only arises (in so far as is relevant to the circumstances of this case) upon being charged with a criminal offence.
21. You were first arrested on 5 January 2020 but were not, as far as the Committee understands, charged until on or after 12 January 2020. At this stage, you were under a duty to immediately inform the GDC that you were subject to criminal proceedings. You did not do so. In your witness statement and oral evidence, you accepted that this was in breach of your professional obligations and you apologised. You frankly explained that the shock and trauma of being imprisoned for the first time (you were immediately remanded in custody following your arrest on 12 January 2020) meant that informing the GDC simply was not a priority for you. You referred to witnessing two fellow inmates attempting to commit suicide. **[IN PRIVATE]** You also explained that being incarcerated meant that it would have been very difficult from a practical perspective for you to have informed the GDC of your situation.
22. The Committee noted that the GDC had already been made aware of the criminal proceedings by South Wales Police on 7 January 2020, following your arrest on 5 January 2020. Mr Cameron stated to the Committee that, in response to this information, the GDC referred you to the Interim Orders Committee (IOC) and that the IOC hearing was held on 10 February 2020, when an order for interim suspension was made pending the final hearing this week with periodic reviews as the criminal proceedings progressed. He stated that notification of the IOC proceedings would have been sent to you in advance of the hearing on 10 February 2020, although a copy of that correspondence was not included in the bundle.
23. In the Committee's experience, notifications for initial IOC hearings are usually served with a minimum of 10-14 days' notice and so the notification for your initial IOC hearing was likely to have been served at your registered address around the end of January 2020. In practical terms, this means that the window period in which you should have notified the GDC of the criminal proceedings was confined to a period of several working days from on or after 12 January 2020 until around the end of January 2020. The duty to have informed the GDC of the criminal proceedings would have become academic after the notification had been served on you, as the GDC would have informed

you that it was aware of the criminal proceedings and that you were now a respondent to its IOC proceedings in relation to this matter.

24. As a matter of fact, you were in breach of your duty to have immediately informed the GDC of the criminal proceedings. It is a fundamental duty which applies to all registered dental professionals. However, the Committee determined that the breach in the circumstances of this case was not so serious as to meet the threshold for misconduct. The Committee accepted your evidence about your experience of prison. The practical reality is that it would not have been a priority for you to have informed the GDC of the criminal proceedings and that it would have been difficult for you to have sent communications to the GDC in any event. It would only have been a matter of several working days before you were in turn served notice by the GDC informing you that it was already aware of the criminal proceedings. Having regard to all the circumstances, your breach cannot reasonably be characterised as conduct which fellow members of the profession would regard as “deplorable”, or which would otherwise carry a degree of opprobrium or moral blameworthiness.
25. Accordingly, the Committee determined that the facts found proved under Charge 2 do not amount to misconduct.
26. The Committee next considered whether the facts found proved under Charge 3 amounted to misconduct, namely your failure to have cooperated with the GDC’s investigation between 7 July 2021 and 17 November 2021 by not providing it with any adequate response to requests for a health assessment to be undertaken.
27. The significant mitigating factors which applied in relation to your conduct at Charge 2 do not apply here. At this stage, some 18 months later, you were no longer incarcerated or facing criminal charges. [IN PRIVATE] The GDC contacted you and your then legal representatives to request that you complete and return the forms, but you did not reply directly to these requests, except for an email response to the GDC, in which you appeared to be dismissive of its requests and to delegate responsibility for completing the forms to your legal representatives. The Committee is not privy to what, if any, communications passed between you and your legal representatives in relation to this matter. The Committee determined that it was your ultimate responsibility to have ensured that the forms were completed and returned to the GDC. Your failure to have done so does not appear to be the result of any failure or oversight on the part of your legal representatives but it appeared to be a failure by you to cooperate with the GDC’s investigation by providing an adequate response to its requests, whether responding directly or through your legal representatives.
28. The Committee had regard to the importance of cooperation with the GDC as part of any investigation and determined that your failure to have cooperated represented a serious breach of professional standards and meets the threshold for misconduct.
29. Accordingly, the Committee determined that the facts found proved under Charge 3 amount to misconduct.

30. The next consideration for the Committee was whether your fitness to practise as a dentist is currently impaired by reason of this misconduct. Having regard to all the circumstances, the Committee determined that it is not. You expressed a full apology, which the Committee accepted was sincere, and there has been subsequent cooperation with the GDC in relation to its investigation and active engagement at this hearing. Importantly, the Committee did not consider there to have been any deliberately evasive or manipulative aspect to your non-cooperation. In the Committee's judgement, your conduct appeared to be characterised more by your being overwhelmed, confused and "putting off" looking at and signing the forms. You did ultimately cooperate with the health assessment. The Committee noted that, on an objective view, undertaking the health assessment required by the GDC would have been in your own best interests as part of these regulatory proceedings.
31. In light of your admissions and apology, your subsequent cooperation with the GDC and your active engagement at this hearing, the Committee was satisfied that it is unlikely you would repeat conduct of this nature. The Committee determined that the wider public interest does not require a finding of impairment to mark your misconduct.
32. Accordingly, the Committee determined that your fitness to practise as a dentist is not currently impaired by reason of misconduct.

Impairment on grounds of adverse physical or mental health

33. [IN PRIVATE]

34. [IN PRIVATE]

35. [IN PRIVATE]

36. Accordingly, the Committee determined that your fitness to practise as a dentist is currently impaired by reason of adverse physical or mental health.

Impairment by reason of conviction

37. The next consideration for the Committee was whether your fitness to practise is currently impaired by reason of your convictions. The Committee noted the stark lack of any stated apology by you to the victim of your assaults, which were described in the sentencing remarks of the HHJ Tomas as occurring "over a period of time and on various occasions in different ways" and of being "a catalogue of bullying, cowardly and vicious behaviour. It involved slapping, kicking and pushing her, on one occasion, down the stairs...". Whilst, as stated by you in oral evidence, you would be unable to apologise to her directly owing to a restraining order, although you did say you wrote her a letter of apology and burnt it as part of your [IN PRIVATE], nothing would have prevented you from expressing an apology as part of these proceedings, even if that apology cannot be directly communicated to her. You were given an opportunity to make such an apology when being cross-examined, but did not do so. Rather, during the course of your oral evidence, you described your victim as being "sick" and suggested that she was partly to blame for the assaults. You stated that there was more

to what happened than the Committee are aware and that this was a “toxic” relationship (by which the Committee understood you to mean mutually toxic). You also appeared to suggest that she had been violent towards you and that you were acting, in part at least, in self-defence. You ultimately accepted however the conduct for which you pleaded guilty and were convicted. In any event, this Committee cannot (even if it were inclined to do so) go behind those convictions and the sentencing remarks of the learned Judge.

38. The conduct for which you were convicted was on any view deeply shocking, offensive and disgraceful. It was not an isolated incident but was repeated “over a period of time” and “in different ways”. It involved repeated acts of violence and bullying which would have caused physical and mental injury to your victim. Your conduct is made even more appalling by the fact that this was domestic violence. The Committee further noted from the sentencing remarks that you were also already subject to a restraining order in relation to another female, which is concerning, albeit full details of the circumstances of that restraining order were not put before the Committee. In your oral evidence, you stated that the restraining order was made in a civil context and did not relate to criminal proceedings.
39. Your conviction for being in possession of a Class A drug is also serious and is capable of bringing the reputation of the profession into disrepute.
40. In reaching its decision, the Committee recognised the interrelated nature of your adverse health to each of your convictions. The Committee also recognised your wider reflections on your criminal offending, the responsibility you accept for this and the remorse you express. The Committee noted the Continuing Professional Development (CPD) activity which you have undertaken but attached limited significance to this, as there was no evidence of a range of CPD activity and reflective learning addressing the behaviours which led to your convictions. You told the Committee that you had undertaken written reflection as part of your [IN PRIVATE], however there was an absence of any detailed written reflective piece addressing those behaviours before the Committee. Your witness statement contained some written reflection but not in the level of detail and focus which the Committee would have expected.
41. In the Committee’s judgement, you express genuine remorse (albeit this does not appear to extend to recognising the effect of your violent crimes on your victim) and you show developing, albeit still limited, insight into your convictions.
42. The Committee considered the risk of repetition. There would be a real risk of harm to the public and to the reputation of the profession were there to be a repetition of any of the conduct for which you had been convicted. The Committee cannot go so far as to say that such conduct is “highly unlikely” to be repeated: the Committee is not in a position to decide that question either way at this time, owing to the complex nature of your adverse health. However, having regard to your current circumstances and to the substantial rehabilitative steps you have taken (and continue to take) in relation to your adverse health, the Committee was satisfied that you are not highly likely to repeat such

conduct and that this risk will continue to reduce as you continue in your rehabilitative steps.

43. Having regard to all the circumstances, the Committee determined that your fitness to practise as a dentist is currently impaired by reason of your convictions on wider public interest grounds. Your criminal offending was so serious, offensive and appalling that public confidence in the profession and this regulatory process would be seriously undermined if no finding of impairment were to be made to mark the unacceptability of such behaviour by a dental professional.

Sanction

44. The next consideration for the Committee was what action, if any, to take in respect of your registration. In reaching its decision, the Committee had regard to the mitigating and aggravating features of this case.
45. Whilst neither an aggravating nor mitigating factor, the Committee recognised that interrelated to your criminal offending are your adverse health conditions and this very much forms part of the context of this case.
46. In mitigation, the Committee identified that [IN PRIVATE] and you have sought to make significant changes in your life, doing what you can do to address your behaviours which led to your offending.
47. The main aggravating factor which the Committee identified was that your convictions were particularly serious as they occurred in a domestic context and involved repeated acts of violence.
48. The Committee considered sanction in ascending order of severity.
49. The Committee determined that to conclude this case with no further action or a reprimand would be wholly inappropriate, owing to the seriousness of your convictions.
50. The Committee next considered whether to direct that your registration be made subject to your compliance with conditions for a period of up to 36 months, with or without a review. The Committee was satisfied that conditions of practice could be formulated to be measurable, workable and proportionate in relation to your adverse physical or mental health only. [IN PRIVATE] However, the Committee could not be satisfied that conditions would be sufficient to mark the seriousness of your convictions.
51. The Committee therefore next gave consideration to whether to direct that your registration be suspended for a period of up to 12 months, with or without a review. In assessing the potential adequacy of a period of suspension, the Committee also gave careful consideration to erasure.
52. The Committee had regard to the indicated factors in support of suspension at paragraph 6.28 of the ISG and those indicated in support of erasure at paragraph 6.34.

53. The Committee recognised that there is evidence of repetition of the behaviour (your criminal offending occurred on multiple occasions). You also show only limited insight into your behaviour at this stage.
54. In support of erasure, the Committee recognised that there had been a serious departure of relevant professional standards. Serious harm had also been caused to your victim as a result of your violence. Your violence occurred in a domestic context, where mutual trust and security would be expected.
55. The Committee concluded there is no evidence of harmful deep-seated personality or professional attitudinal problems which might make erasure the appropriate order. The violent behaviour which you demonstrated was interrelated to your adverse health conditions, in respect of which you now continue to receive treatment and have taken substantial rehabilitative steps.
56. Balancing the indicated factors in the ISG, the Committee considered that the balance weighed more in favour of suspension than erasure. However, the ISG is only guidance and the Committee was mindful not to take a “tick box” approach in its decision making. The primary issue for the Committee was the seriousness of your convictions and how this would impact on public confidence in the profession. The Committee considered with great care whether public confidence in the profession requires the erasure of your name from the Register. If it does, then that would be determinative, as the good standing of the dental profession outweighs your own interests in being able to continue to practise your profession and to enjoy the benefits which come with professional registration.
57. Although finely balanced, the Committee determined that public confidence in the profession could be met by the lesser sanction of a period of suspension for 12 months with a review. This is because of the interrelated context of your criminal offending and your adverse health, and the rehabilitative steps you have since taken. A fair-minded and well-informed member of the public would also recognise that you had been punished for your crimes in accordance with the law. Your sentence, which you have now served, included a period of imprisonment for 23 weeks. **[IN PRIVATE]** You had hit “rock bottom” and have since worked hard to rebuild your life and your personal relationships. You have fully engaged in this hearing and have taken rehabilitative steps in relation to your health. **[IN PRIVATE]**. This was not an easy decision for the Committee, but having regard to all the circumstances, it determined that the proportionate sanction in this case is a period of suspension for 12 months with a review.
58. Accordingly, the Committee directs that your registration as a dentist be suspended for a period of 12 months with a review hearing to take place prior to the expiry of that period. The reviewing Committee may be assisted by: (i) a detailed written reflective piece from you addressing the full circumstances of your criminal offending and the behaviours which led to it; (ii) evidence of further targeted CPD; and (iii) **[IN PRIVATE]**.
59. The Committee now invites submissions on the question of an immediate order.

Determination on immediate order – 2 June 2023

“Mr Williams

Existing interim order

60. In accordance with Rule 21 (3) of the General Dental Council (Fitness to Practise) Rules 2006 and section 27B (9) of the Dentists Act 1984 (as amended) the interim order of suspension in place on your registration is hereby revoked.

Determination on immediate order

61. Having directed that your name be suspended from the register, the Committee invited submissions as to whether it should impose an order for your immediate suspension in accordance with section 30 (1) of the Dentists Act 1984 (as amended).
62. The Committee has heard the submissions of Mr Mansell on behalf of the GDC that an immediate order is necessary to protect the public and is otherwise in the public interest. Mr Cameron on your behalf submitted that he is content for an immediate order to be imposed.
63. The Committee has accepted the advice of the Legal Adviser.
64. In all the circumstances, the Committee considers that an immediate order of suspension is necessary to protect the public and is otherwise in the public interest. The Committee considers that an immediate order is necessary for the protection of the public and is otherwise in the public interest to impose an order for the immediate suspension of your registration. The Committee considers that an immediate order of suspension is consistent with the findings that the Committee has set out in its determination.
65. The effect of the Committee’s foregoing determination is that, unless you exercise your right of appeal, the substantive direction of suspension will be recorded in the register 28 days from the date of deemed service. Should you decide to exercise your right of appeal, the substantive direction of suspension will take effect at the conclusion of any such appeal.
66. That concludes this case.”