

HEARING HEARD IN PUBLIC

PESHEV, Georgi Nikolaev

Registration No: 117085

PROFESSIONAL CONDUCT COMMITTEE

July 2016 – January 2020 **

Most recent outcome: Suspended indefinitely**

** See page 26 for the latest determination.

Georgi Nikolaev Peshev, a dentist, DDM Sofia 1998; was summoned to appear before the Professional Conduct Committee on 15 July 2016 for an inquiry into the following charge:

Charge

“That, being a registered dentist:

1. Between 7 April 2015 and on or around 29 April 2015 you performed NHS dentistry at Belmont House Dental, 32 Colwyn Avenue, Colwyn Bay, Rhos on Sea (“the practice”) while you were not included on a Dental Performers List in Wales.
2. Your conduct at 1 above was dishonest in that you provided NHS dental advice and treatment to patients at the practice when you knew that you were:
 - (a) required to be included on a Dental Performers List in order to practise NHS dentistry;
 - (b) not included on a Dental Performers List in Wales.
3. On or about 11 April 2015 you completed and/or caused to be submitted to NHS Wales Shared Services Partnership (“SSP”) an application for inclusion on BCU’s Dental Performers List (“the application”) which:
 - (a) had a cross in the box marked “No” in response to the question at Section 5 which reads: *“Have you ever been removed, contingently removed, conditionally included, suspended or refused entry from any Local Health Board/PCT or equivalent list?”*;
 - (b) had a cross in the box marked “No” in response to the question at Section 11 which reads: *“Have you ever been removed, contingently removed, refused admission or conditionally included in any LHB list or equivalent list or are you currently suspended from such a list?”*;
 - (c) had a cross in the box marked “No” in response to the question at Section 11 which reads: *“Have you been removed, contingently removed, refused admission to or conditionally included in any list or equivalent list kept by a Local Health Board or equivalent body, or are you currently suspended from such a list, and if so why and the name of that equivalent body?”*;

- (d) had a signed declaration at Section 11 which reads “...I *HEREBY DECLARE that the information given here, and on any continuation sheet, is true and complete*”.
- 4. Your conduct at 3(a) and/or 3(b) and/or 3(c) and/or 3(d) above was:
 - (a) misleading;
 - (b) dishonest in that you knew you:
 - (i) had been removed from Abertawe Bro Morgannwg University Health Board’s (“ABMU”) Dental Performers List effective from 1 January 2012;
 - (ii) had previously been refused entry to BCU’s Dental Performers List effective from 4 January 2012;
 - (iii) were obliged to disclose this information.
- 5. On or about 15 July 2015 you sent a letter to the General Dental Council (“GDC”) which stated: “*I do not work as a dentist at the moment and I have not performed a role as a dentist that requires further registration since my Restoration of Registration with GDC*”.
- 6. Your conduct at 5 above was:
 - (a) misleading;
 - (b) dishonest in that you knew you had provided NHS dental advice and treatment to patients at the practice between 7 April 2015 and on or around 29 April 2015 and you were not included on a Dental Performers List in Wales.

And that, in relation to the facts alleged, your fitness to practise is impaired by reason of misconduct.”

On 11 July 2016 The Chairman announced the following regarding a joinder application as set out in Rule 25(2) of the Rules:

“Mr Collins, on behalf of the General Dental Council made an application under Rule 25 of the (GDC) (Fitness to Practise) Rules 2006 (the ‘Rules’) to join two sets of additional allegations against you to be considered by this Committee. The first set of additional allegations relates to alleged dishonesty issues of you practising whilst not on the Dental Performers List, as well as informing the GDC that you were not working as a dentist at that time. The second set of additional allegations relates to associated dishonesty issues concerning alleged submitting of a false curriculum vitae, making false applications onto the Dental Performers List and giving incorrect information to the GDC with regards to your previous employment. These are new allegations.

The provisions relating to Joinder are set out in Rule 25(2) of the Rules. So far as is relevant, they are as follows;

“(2) Where

- a) an allegation against a respondent has been referred to a Practice Committee,
- b) that allegation has not yet been heard, and

- c) a new allegation against the respondent which is of a similar kind or is founded on the same alleged facts is received by the Council.

The Practice Committee may consider the new allegation at the same time as the original allegation, notwithstanding that the new allegation has not been included in the notification of hearing.

- (3) Where it is proposed that a new allegation should be heard by a Practice Committee under paragraph (2), they shall –

- (a) inform the respondent of the new allegation, and the alleged facts on which it is based; and
- (b) provide the respondent with an opportunity to make written representations on the new allegation and require any such representations to be received within the period of 28 days beginning with the date on which notification of the new allegation was sent to the respondent, or within such period as is otherwise agreed by the parties.

You submitted that the additional allegations were connected to the original allegations and that it would be appropriate for all allegations against the registrant to be heard at the same time.

Ms Watson on your behalf did not object to your application.

In relation to the application to join these allegations, you produced correspondence from your instructing solicitors dated 15 March 2016 to the registrant's then representative and a response from that representative dated 26 April 2016. In that correspondence your instructing solicitors set out the terms of Rule 25, set out the reasons why it was considered that a joinder was appropriate and invited a written response from the registrant's representative. That written response confirmed that the registrant and his representative made no objection.

The Committee has considered your submissions carefully and accepted the advice of the Legal Adviser regarding the general principles to be taken into account when considering this type of application, as well as the relevant provisions set out in the Rules.

The Committee is satisfied that joinder of the additional allegations relating to incidents of alleged dishonesty is appropriate and that the requirements of Rule 25(2)(c) have been met. The Committee considers that it is in the public interest for these allegations to be considered at the same time as the original allegations. Accordingly, the Committee directs that the new referral against you of similar matters be joined and heard together at this hearing."

On 15 July 2016 the Chairman made the following statement regarding the finding of facts:

"Mr Peshev

Preliminary Matters

At the outset of the hearing, Mr Collins on behalf of the GDC made an application to hand down the written statement of Witness PG and to then proceed to cross examination from Ms Watson. Ms Watson on your behalf objected and submitted that there were significant

disputes of fact and that in the circumstances fairness meant that the witness's evidence should be elicited in chief as opposed to his witness statement standing as his evidence.

The Committee decided to require Mr Collins to adduce the evidence of Witness PG in the mode as suggested by Ms Watson. It was satisfied, given the extent of the challenge to Mr PG's evidence and the nature of the allegations, that it was fair and appropriate to depart from the usual practice of having the witness's statement stand as his evidence in chief.

Issue arising following final Stage 1 submissions

After both parties had closed their cases and submissions had been made, Mr Collins made an application to submit the covering email enclosing your CV which Witness PG sent to the GDC after he had given evidence at the end Day 2 of the case. Although the GDC solicitors had received this in February 2016, only the CV itself had been disclosed. Mr Collins contended, particularly in the light of Ms Watson's closing submissions, that no covering email had been produced, it was relevant evidence and that despite the lateness of the application it was appropriate and fair that the Committee should receive it. He referred to the authority of the PSA Jozi [2015] EWHC 764 in which regulatory committees were reminded that they should be more proactive in ensuring that relevant evidence is before it as opposed to criminal courts. Ms Watson on your behalf conceded the evidence was relevant and did not actively oppose the application. She stated on your behalf that you did not wish to appear to oppose the Committee being provided with further evidence if it would help in its deliberations.

The Committee acknowledged that this application was very late in the day but determined in all the circumstances to receive the evidence. However, the Committee sought and received submissions as to the weight that it should attach to it. It accepted Ms Watson's submissions that little weight could be given to it given, in particular, the absence of a date or time on it.

Background to the case and summary of allegations

The following was agreed evidence:

You came to the United Kingdom in April 2008 and having secured employment in South Wales in a mixed private and NHS practice, were told by those employers that in order to practice NHS dentistry you needed to be on an NHS Dental Performer's List. You applied to Neath Port Talbot Health Board Wales ("ABMU") and were given a performer's number. Having worked in South Wales for one year you moved to work in North Wales. In August 2011 you applied to join Betsi Cadwaladr University Health Board ("Betsi") List as you had been told by ABMU to change to Betsi as most of your work was in the Betsi area. However, before hearing a response from Betsi you left the United Kingdom in November 2011 and returned to Bulgaria to deal with your mother's health problems.

As a result of relocating to Bulgaria from 2011 you chose not to undertake dentistry in the United Kingdom and not to renew your registration. Your name was then removed from the register of the GDC. Further, it was not disputed that the Shared Services Partnership Contractor Services for Wales ("SSP") sent a letter dated 4 January 2012 refusing your application to join the Betsi Dental Performers List, and a second letter dated 23 January 2012 stating that your name had been erased from the ABMU list because your registration with the GDC had been terminated. The first letter was sent to your address in North Wales. The second letter was sent to your address in Bulgaria. You maintained that you did not receive either letter.

In September 2014 you returned to the United Kingdom intending to resume your dental career in this country, and you set about the process of returning to the GDC register. Your name was returned to the GDC register on 13 February 2015, and you also applied to be restored onto the register with the Health Inspectorate of Wales and were restored to this

about 19 February 2015. You did not make any application at that time to join a dental performers list.

You applied for and obtained an offer of work at Belmont House Dental Surgery, the Principal of which was Witness PG. The contractual start date was due to be 1 March 2015 but it is agreed evidence you did not start work until 7 April 2015. Witness PG terminated this work at the end of April 2015. During this period, you had made a second application to the Betsi Dental Performers List.

On 5 May 2015 you applied to join the NHS Highland Dental Performer's List. On 20 May 2015 your application to Betsi was refused as you had failed to declare a previous application and refusal by that Health Board on 4 January 2012. On 28 July 2015 the Highland application was refused on the grounds that you failed to declare that you were at the time of your application subject to an investigation into your professional conduct.

The allegations against you include that you worked at Belmont House Dental Surgery when you knew that you were required to be on a Dental Performer's List and that you knew that you were not and that this was misleading and dishonest; that you made misleading and/or dishonest entries on your April 2015 application for inclusion on the Betsi list. Further, it is alleged that you provided information regarding details of your employer/bodies with which you had a contract or an arrangement to provide services to the GDC that was misleading and dishonest.

Evidence

The Committee heard oral evidence from Witness PG and from you. The Committee considered that both witnesses did their best to assist the Committee with their recollection of events. The Committee found the oral evidence of Witness PG to be truthful and measured, although at times his recollection appeared to be vague. The Committee found your oral evidence to be truthful, although when under pressure your answers became more fragmented and appeared evasive. However, the Committee noted that English is your second language and while it was satisfied that your command of English appeared to be good, the Committee considered that there were occasions, manifested in your evidence, where your understanding of context, your use of words and what they meant appeared less certain and less clear. You appeared to be willing to acknowledge some errors and admitted your limitations of your understanding of the Performer's List arrangements.

Further, the Committee was provided with a number of documents submitted by the GDC, including witness statements and documentary exhibits, and correspondence both in letter and in email form with you.

Committee's findings of fact

The Committee has taken into account all of the evidence presented to it, both written and oral. It has also considered the submissions made by Mr Collins on behalf of the GDC and those made by Ms Watson on your behalf.

The Committee has accepted the advice of the Legal Adviser.

The Committee accepted that you are of good character and put this into the balance in your favour both in respect of credibility and propensity.

The central allegations in this case are that you were dishonest. When considering allegations of dishonesty, the Committee applied the two stage test as set out in *R v. Ghosh*, amended to take account of the fact that the burden of proof is the civil standard and the approach of the courts, as set out, for example, by Lang J in *Falodi v the HCPC* [2016] EWHC 328. Accordingly, it asked itself:

i) whether, on the balance of probabilities, the registrant acted dishonestly by the standards of reasonable and honest dentists; and if so:

ii) whether, on the balance of probabilities the registrant realised that what he was doing was, by those standards, dishonest.

Although the Committee applied this test, the Committee accepted the observations of Ms Watson that, in the circumstances of this case, it did not consider there was any material difference between the standards of reasonable and honest dentists and reasonable and honest people.

Further, in considering the issue of dishonesty, the Committee reminded itself that while you have admitted that your conduct was misleading, that actions and omissions may be misleading without being dishonest. It has specifically considered the mental element of the alleged dishonesty before reaching its ultimate conclusion on the issue. In particular, it has explicitly considered in relation to the allegations whether there were other possible explanations other than dishonesty, for example carelessness or negligence. Having carefully considered all of the evidence, and made its assessment of you, including having seen and heard you give evidence, the Committee was not persuaded that it has been proved on the balance of probabilities that any of your actions or omissions were motivated by an intention to deceive or lie.

I will now announce the Committee's findings in relation to each head of charge:

1.	Admitted and found proved.
2.	Not proved.
2. a) and b)	<p>Not proved.</p> <p>The Committee notes your acceptance that you knew that you had to be on a Dental Performer's List. However, the Committee was not satisfied that the GDC has proved that you knew you were not on a list. The Committee accepted your evidence that you did not receive the letter of the 23 January 2012. This was sent to your apartment in Bulgaria. The SSP did not send it by registered post. Further, the Committee noted that when you returned to the United Kingdom you applied for restoration to the GDC and the HIW. The Committee considers it more likely than not that, had you known that your performer's list number with AMBU was no longer valid, you would have taken the same action in the period from September 2014 to April 2015 as you did in relation to the GDC and HIW. Further, it was clear to the Committee that throughout the relevant period securing paid employment was a priority for you owing to your straightened financial circumstances. It considers it illogical for you to have undertaken work when you knew you would not get paid if you did not have a valid performer's list number. It also noted that the Betsi refusal letter of 4 January 2012 was sent to rented accommodation that you left in November 2011. It was also not sent by recorded delivery and the Committee was satisfied that it was not forwarded on to you.</p> <p>Given its acceptance that you were unaware that you had been removed from the Betsi list and that you genuinely believed your performer's list number was still valid, there is no basis for a finding of dishonesty in relation to your working at Belmont House in April 2015.</p>
3. a)	Admitted and found proved.
3. b)	Admitted and found proved.
3. c)	Admitted and found proved.
3. d)	Admitted and found proved.

4. a)	Admitted and found proved.
4. b) i)	Not proved. This concerns your Betsi application in April 2015 and for the reasons set out above this is not proved.
4. b) ii)	Not proved. For the same reasons as above. The GDC has failed to provide evidence confirming that you had been properly served notification that your application onto the Dental Performer's List had been refused.
4. b) iii)	Not proved. The Committee has accepted your account that you believed that you had an active dental performer's list number. The Committee considers that you cannot have been dishonest as you were not aware of this information.
5.	Admitted and found proved.
6. a)	Admitted and found proved.
6. b)	Not proved. This concerns your response to the GDC's request for information from you. It notes that you accept that your response was misleading because it did not refer to the Belmont House work. While omissions can, of course, find dishonesty, the Committee considered that your response was sloppy, inaccurate and incomplete, but not dishonest in the circumstances.
7.	Proved The Committee has had sight of a CV that confirmed this content. You stated that you "did not recognise this CV". Witness PG stated that this CV was sent to him by email and it referred to private practice in Wales. The Committee accepts his evidence and is satisfied that this CV was sent to Witness PG.
8. a)	Proved. The CV was in fact misleading because it gave a wrong impression namely that you had done private practice in Wales "until present" when you had not.
8. b)	Not proved. The Committee noted other details, such as your address, were consistent with 2011 and considered that it was more likely than not that this false impression arose from a failure to maintain an up to date CV, your carelessness and failure to appreciate the need for completeness and accuracy rather than being dishonest.
9.	Admitted and found proved.
10. a)	Admitted and found proved.
10. b)	Not proved. This refers to your second application to Betsi which included an assertion that you had worked for Belmont House from 1 March 2015. You in fact worked from 7 April 2015 and it was, therefore, misleading. The Committee is satisfied from its assessment of you and the circumstances that you had no intention to deceive and simply entered the contract start date as opposed to the date you had started work. It accepts that carelessness and imprecision are more likely the background to this error than dishonesty. It is supported in this conclusion by the fact that you gave Witness PG as a referee and that it was inevitable that he and the Health Board would have readily noticed such an error.

11.	Admitted and found proved.
12. a)	Not proved. This concerns your explanation, in an email to the SSP, of your answers in the April 2015 Betsi application, which you admitted were misleading. The GDC contend that your explanation of your answers is in itself misleading. The Committee cannot see how you can be said to be misleading the SSP as you were merely explaining your thinking as to how you completed the form.
12. b) i)	Not proved.
12. b) ii)	Not proved
12. b) iii)	Not proved For the reasons given above this is not proved.
13. a)	Admitted and found proved.
13. b)	Admitted and found proved.
13. c)	Admitted and found proved.
13. d)	Admitted and found proved.
14. a)	Admitted and found proved.
14. b) i)	Not proved.
14. b) ii)	Not proved. You confirmed that your omissions were misleading but that you did not consider that to be dishonest. You explained that you did not have a signed contract and your involvement in the practice was so transient that you felt that it could legitimately be omitted. The Committee is not satisfied that the GDC has proved dishonesty. While the Committee concluded that such an omission would be considered dishonest by the ordinary standards of reasonable and honest dentists, it was not persuaded on the balance of probabilities given the particular circumstances including its assessment of you, that you realised this was dishonest by those standards.
15. a)	Admitted and found proved.
15. b) i)	Not proved For reasons given above
15. b) ii)	Not proved. For reasons given above.
16. a)	Admitted and found proved.
16. b) i)	Not proved. For reasons given above.
16. b) ii)	Not proved. For reasons given above.
16. b) iii)	Not proved The Committee is of the view that you cannot disclose information that you are not aware of.
17.	Admitted and found proved.
18. a)	Proved. The Committee accepted the oral evidence of Mr G who stated quite categorically that at no point did you shadow him at Belmont House Dental Surgery.
18. b) i)	Not proved.

18. b ii)	Not proved.
18. b iii)	Not proved. The Committee noted that there was a conflict between you and Witness PG as to whether you “confessed” to him in a meeting on 1 May 2015 that you knew that you did not have a valid performer’s list number. In this respect the Committee was not persuaded that Witness PG recollection was not reliable as he did not mention this in an email to Betsi the very next day. In addition, there was a direct conflict of view between you and Witness PG as to how much interaction there was between you and him at the practice. The Committee is of the view that over time the recollection of both you and Witness PG has become vague. It is also the Committee’s view that a different understanding of the word “shadowing” may be relevant. The Committee considered that on the balance of probabilities the letter that referred to shadowing was misleading. While there may have been some observing, it did not reach the level of formal shadowing which was the impression created by the letter. The Committee is satisfied that there was not a deliberate attempt by you to create a false impression and there may well have been some misunderstanding on your part.
19.	Admitted and found proved.
20. a)	Admitted and found proved.
20. b) i)	Not proved
20. b) ii)	Not proved.
20. b) iii)	Not proved. You did frequently provide Witness PG with a performer’s number throughout the relevant period. For the reason set out above, the Committee was satisfied that you genuinely believed that it was a valid performer’s number and therefore you were not dishonest.

We move to Stage Two.”

On 15 July 2016 the Chairman announced the determination as follows:

Stage 2

“The Committee carefully considered the submissions of Ms Watson on your behalf, and those by Mr Collins on behalf of the GDC. It has accepted the advice of the Legal Adviser. It had regards to the Guidance for the Practice Committees effective October 2015, and in particular paragraph 51 of that guidance as it had not found deliberately misleading conduct or dishonesty when considering the issues of misconduct and impairment. It approached these matters sequentially.

Misconduct:

The Committee, in reaching its decision, had regard to the public interest and acknowledged that there was no burden or standard of proof at this stage.

The Committee had regard to the relevant professional standards in force at the time set out in the GDC’s publication Standards for Dental Professionals. This aims to protect patients and promote confidence in dental professionals. The Committee has found that your behaviour was in breach of the following standards.

- 1.9 Find out about laws and regulations that affect your work and follow them.

- 2.1.2 You must be sufficiently fluent in written and spoken English to communicate effectively with ..., the dental team and other healthcare professionals in the United Kingdom.
- 9.1 Ensure that your conduct, both at work and in your personal life, justifies patients' trust in you and the public's trust in the dental profession.
- 9.4 Co-operate with any relevant formal or informal inquiry and give full and truthful information.

The Committee appreciated that the above breaches do not automatically result in a finding of misconduct. Your omissions demonstrated a repeated unawareness of your obligations to be frank, candid and careful with two Health Boards, NHS Wales, NHS Highland, the GDC and your employer. The responsibility to be fully compliant with the relevant rules and to provide full information is yours. Your omissions demonstrated an inability to appreciate the significance of important questions that have a direct impact on the issues of patient safety. Further your responses to the GDC were during the formal process by your regulator responsible for maintaining public confidence in the profession. The Committee agrees with Mr Collins' description that you were "effectively blind" to the relevance and importance of the provision of this information and what the public and profession expect from a dental practitioner in this regard. It also agreed with Ms Watson's description that your omissions amounted to "grave errors of judgement".

You provided incorrect information, which fellow professionals and the wider public would consider unacceptable. The Committee is concerned that there remains a risk of repetition. The Committee has not been provided with evidence of your current ability to self-regulate, to fully understand what is misleading and what is not. The Committee considers that you have not demonstrated adequate insight into your misleading conduct. The Committee considers that you have not fully understood the severity, and the damage, your actions have had on the dental profession and also public confidence. The Committee considers that there still remain attitudinal and behaviour concerns.

The Committee was mindful that your omissions were not an isolated incident of one misleading document to one body, but rather a series of repeated failures over a prolonged period. In the light of this judgement and for these reasons detailed above, the Committee had no hesitation in concluding that your failures were sufficiently serious to amount to misconduct even though they were not dishonest ones.

Decision on impairment:

The Committee next considered whether your fitness to practise is currently impaired by reason of that misconduct.

The Committee considered that your omissions are remediable, but was not persuaded that they had yet been remedied by you. It considered that you had demonstrated little insight into these matters or of their potential impact on the public, the profession and public confidence in the profession. The Committee considered your indication that you might seek assistance from a solicitor in relation to preparing future application forms, was indicative of a lack of understanding of insight. Given its view as to the absence of full insight and remediation the Committee considered that a risk of repetition existed.

Further, the Committee had regard to the observations of Cox J in the case of Grant. In paragraph 74 she said:

In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.

The misconduct identified in this case was, in the view of the Committee, sufficiently serious that the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances of this case. The Committee considers that this case involves a strong public interest element.

The Committee has borne in mind that its primary function is not only to protect patients but also to take account of the wider public interest, which includes maintaining confidence in the dental profession and the GDC as a regulator, and upholding proper standards and behaviour.

Having regard to all of this the Committee has concluded that your fitness to practise is currently impaired.

Decision on sanction

The Committee next considered what sanction, if any, to impose on your registration. It recognised that the purpose of a sanction is not to be punitive, although it may have that effect, but rather to protect patients and the wider public interest.

The Committee has borne in mind the character reference that has been supplied; that you are clearly held in high regard by your employer; that you are of previous good character; that you have apologised for your omissions, and that you made no financial gain. It has however considered that their extent and repetition and your lack of insight are aggravating features.

The Committee has taken into account the GDC's '*Guidance for the Professional Conduct Committee*'. The Committee applied the principle of proportionality, balancing the public interest with your interests. The Committee has considered the range of sanctions available to it, starting with the least serious.

In the light of the findings against you the Committee has determined that it would be inappropriate to conclude this case without taking any action or with a reprimand, as this would not restrict your registration and therefore adequately address the public interest or your lack of insight.

The Committee considered with great care whether to direct that your registration be made subject to your compliance with an order for conditions. In doing so it was satisfied that conditions of practice could be formulated to be measurable, workable and proportionate in relation to your failings.

The issues in this case revolve around your understanding of the need for candour, openness and transparency when engaged with your regulators, employers, colleagues or other bodies. Nothing in this case suggests any issue around your clinical performance which directly impacts on the safety of patients.

Taking all these factors into account, the Committee is satisfied that conditions can be formulated which will adequately protect the public and the public interest and will be

proportionate to the findings against you. It therefore directs that your registration be subject to conditions for a period of 6 months. The Committee has determined that this period is appropriate and proportionate to enable you to fully complete your remediation.

The Committee considers that to suspend your registration is not necessary for the protection of the public and the public interest. Further, the Committee considers that such a sanction would be disproportionate to the findings against you and would be punitive.

The conditions, which are imposed for a period of 6 months, will appear against your name in the Dentists' Register in the following terms:

1. He must formulate a PDP specifically designed to include details of appropriate and accredited training which you have undertaken which examines;
 - the ethics of the dental profession,
 - the regulations affecting dental practice and NHS governance and
 - the need for openness, transparency in your practice, and in relationships with others as set out in the standards for dental professionals.
 - reflective pieces on your learning including details your personal understanding of these issues.
2. He must forward a copy of his updated Personal Development Plan to the GDC within three months of the date on which these conditions become effective and provide a further report one month prior to the review.
3. He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.
4. He must inform the GDC if he applies for dental employment outside the UK.
5. He must inform within one week the following parties that his registration is subject to the conditions listed at 1 to 4 above:
 - any organisation or person employing or contracting with him to undertake dental work;
 - any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application);
 - any prospective employer (at the time of application); and
 - the Commissioning Body on whose Dental Performers List he is included, or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).
6. He must permit the GDC to disclose the above conditions to any person requesting information about his registration status.

Further, the Committee recommends that in order to assist in complying with this condition, you should appoint a mentor with whom you can discuss these issues in your practice. Whilst the GDC will not seek reports from this individual, it will wish to satisfy itself that the chosen mentor an appropriate person.

The Committee will review your case at a resumed hearing to be held shortly before the end of the period of conditional registration. You will be informed of the date and time of that resumed hearing, which you will be expected to attend. You will need to satisfy a future Committee that you have complied fully with these conditions and that you have successfully addressed the concerns identified in this case.

The Committee now invites submissions from both parties as to whether your registration should be made subject to an immediate order.”

“Mr Peshev: Having directed that your registration be subject to conditions, the Committee has considered whether to direct an order for the imposition of conditions on your registration forthwith.

Having regard to its reasons for finding current impairment and directing that your registration be subject to conditions, the Committee is not satisfied that it is necessary on the ‘otherwise in the public interest’ ground to impose an immediate order for the next 28 days or pending any appeal, if made. This is because it is not persuaded that the high bar for this ground – which it considers to be the appropriate test for an immediate order – is met in all the circumstances as detailed in the substantive decision.

That concludes the case for today.”

At a review hearing on 20 January 2017 the Chairman announced the determination as follows:

“Service and Proceeding in absence

This is the resumed Professional Conduct Committee (PCC) hearing of Mr Peshev’s case. Mr Peshev is neither present nor represented today. In his absence, the Committee first considered whether the Notification of Hearing had been served on Mr Peshev at his registered address 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 received a bundle of documents which contains a copy of the Notification of Resumed Hearing dated 15 December 2016 which was sent to Mr Peshev’s registered address by special delivery. The Royal Mail track and trace receipt confirms that the item was delivered back to sender from its west London delivery office on 5 January 2017. The Committee has seen a photocopy of the returned envelope which contains a sticker on it from Royal Mail, stating that it was unable to deliver the item because the item was not called for. The Committee is satisfied that this letter sets out the information required in accordance with Rule 28 and that it was sent to Mr Peshev’s registered address more than 28 days in advance of today’s hearing, also in accordance with Rule 28. The Committee has also seen a copy of an email dated 15 December 2016 from the GDC to Mr Peshev, attaching a copy of the Notification of Hearing, and an email dated 15 December 2016 from the GDC to Eastwoods Solicitors (Mr Peshev’s solicitors), attaching a copy of the Notification of Hearing. The Committee has seen a copy of an email dated 8 November 2016 from the GDC to Mr Peshev’s solicitor at Dental Protection, attaching a copy of the Notification of Hearing. Finally, the Committee has seen a copy of an email dated 12 January 2017 from Eastwoods Solicitors to the GDC in which they state that they are not in a position to advise whether Mr Peshev would be in attendance and/or be represented at the hearing on 20 January 2017. The Committee, having heard the Legal Adviser’s advice, is satisfied that the GDC has complied with Rules 28 and 65 and that service of the Notification of Hearing has been effected.

The Committee went on to consider whether to proceed in the absence of Mr Peshev, in accordance with Rule 54. It has considered the submission made by Ms Headley, on behalf of the GDC that it would be appropriate and fair to proceed with today’s resumed hearing in

the absence of Mr Peshev. Ms Headley made the point that Mr Peshev has not provided the GDC with an up to date registered address and had had limited engagement with it since the imposition of conditions on his registration in July 2016. She reminded the Committee that it is in the public interest to review the order before its expiry, which is on 11 February 2017.

The Committee has accepted the advice of the Legal Adviser. It has borne in mind Mr Peshev's limited of engagement with the GDC since October 2016 as well as in relation to today's resumed hearing. Mr Peshev attended the initial hearing of his case in July 2016, at which the PCC directed that his registration be subject to conditions for a period of 6 months. That PCC confirmed that Mr Peshev's case would be reviewed at a resumed hearing to be held shortly before the expiry of that order. Thus, Mr Peshev would have been aware that his case would be reviewed before the expiry of the order. Neither Mr Peshev nor his solicitors have sought an adjournment of today's hearing. Furthermore, there is nothing before the Committee today to suggest that he might attend the hearing on a future occasion. In these circumstances the Committee has concluded that Mr Peshev has voluntarily absented himself from attending today's hearing. Further, the Committee considers that there is a clear public interest in proceeding with the hearing today, given that the order is due to expire in less than 28 days. Accordingly, the Committee has determined that it is fair to proceed with today's review hearing in the absence of Mr Peshev.

Background

In July 2016 the PCC considered allegations against Mr Peshev relating to the provision of NHS dentistry while he worked at Belmont House Dental Surgery (the Surgery). At that hearing Mr Peshev accepted that he was required to be on a Dental Performer's List but that he believed that he had an active Dental Performers' List number. In these circumstances, he continued to undertake work when he should not have done so. The PCC accepted Mr Peshev was unaware that he had been removed from the Betsi Dental Performers' list and he genuinely believed that his Performer's List number was valid. The Committee therefore concluded that there was no basis for a finding of dishonesty.

However, the PCC found proved allegations that Mr Peshev made misleading entries on his April 2015 application for inclusion on the Betsi list. Further, it found that he had provided information regarding details of his employer/bodies with which he had a contract or an arrangement to provide services to the GDC, which was misleading.

The PCC considered that Mr Peshev had not demonstrated adequate insight into his misleading conduct. It also considered that there still remained attitudinal and behaviour concerns. It considered that the failures were sufficiently serious to amount to misconduct, even though they were not dishonest.

The PCC considered that Mr Peshev's omissions were remediable, but it was not persuaded that they had been remedied by him. It considered that Mr Peshev had demonstrated little insight into these matters or of their potential impact on the public, the profession and public confidence in the profession. The PCC considered his indication that he might seek assistance from a solicitor in relation to preparing future application forms, was indicative of a lack of understanding of insight. Given its view as to the absence of full insight and remediation the Committee considered that a risk of repetition existed. It therefore concluded that Mr Peshev's fitness to practise was currently impaired.

In light of the risks to patient safety and public trust and confidence that it identified, the PCC decided to impose conditions on Mr Peshev's registration for a period of six months. It

considered that that period of time would be sufficient for Mr Peshev to address the concerns that had arisen.

Today's review hearing

This Committee first considered whether Mr Peshev's fitness to practise remains impaired by reason of his misconduct.

Ms Headley informed the Committee that since the PCC hearing in July 2016, there has been some limited engagement by Mr Peshev in relation to his compliance with the conditions. This included a copy of his form of authorisation, signed and dated on 31 July 2016 and the name of a proposed mentor as well as a handwritten copy of his Personal Development Plan (PDP). However, she advised the Committee that there is no evidence of his reflective pieces or indeed any information as to his current whereabouts. She therefore submitted that Mr Peshev's fitness to practise remains impaired and referred to his lack of engagement with the GDC, the absence of any evidence of remediation or insight in support of that contention. Ms Headley invited the Committee to direct that the period of conditional registration be extended for a further period of six months.

The Committee has considered carefully the submissions made. Throughout its deliberations, it has borne in mind that its primary duty is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour. It has accepted the advice of the Legal Adviser.

The Committee notes from the limited information before it that Mr Peshev has made some attempt to comply with the conditions imposed on his registration. However, there is no evidence of a reflective log or any evidence of remediation, or even attempts at remediation before it. The Committee is also concerned that there is no evidence before it to demonstrate that Mr Peshev has shown any insight into the areas of concern identified by the PCC in July 2016. The Committee has therefore not been provided with any evidence of steps taken to address and remedy the identified shortcomings which might have followed from Mr Peshev's compliance with these conditions. Taking all these matters into account, the Committee has concluded that Mr Peshev's fitness to practise remains impaired by reason of his misconduct. It has also determined that Mr Peshev has failed to comply fully with conditions 1 and 2 of the order of conditions on his registration.

The Committee next considered what direction to give, bearing in mind its powers in accordance with Section 27C(2) of the Dentists Act 1984. In doing so, it has borne in mind the purpose of a sanction is not to be punitive, but rather to protect patients and the wider public interest. The Committee notes that Mr Peshev has made some attempt to comply with the conditions imposed on his registration. This case does not relate to any issues around his clinical performance. Taking all these factors into account, the Committee is satisfied that the current period of conditional registration should be extended for a further period of six months in order to give Mr Peshev another opportunity to address his remediation. Accordingly, in accordance with Section 27C of the Dentists Act 1984, the Committee directs that the period of conditional registration be extended for a further period of six months from the date on which the current order expires.

The following conditions are as they will appear against Mr Peshev's name on the Dentists Register:

1. He must formulate a Personal Development Plan specifically designed to include details of appropriate and accredited training which he has undertaken which examines;

- the ethics of the dental profession,
 - the regulations affecting dental practice and NHS governance
 - the need for openness, transparency in his practice, and in relationships with others as set out in the standards for dental professionals
 - reflective pieces on your learning including details of his personal understanding of these issues.
2. He must forward a copy of his updated Personal Development Plan to the GDC within three months of the date on which these conditions become effective and provide a further report one month prior to the review.
 3. He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.
 4. He must inform the GDC if he applies for dental employment outside the UK.
 5. He must inform within one week the following parties that his registration is subject to the conditions listed at 1 to 4 above:
 - any organisation or person employing or contracting with him to undertake dental work;
 - any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application);
 - any prospective employer (at the time of application); and
 - the Commissioning Body on whose Dental Performers List he is included, or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).
 6. He must permit the GDC to disclose the above conditions to any person requesting information about his registration status.

Further, the Committee recommends that in order to assist in complying with these conditions, Mr Peshev should appoint a mentor with whom he can discuss these issues in your practice. Whilst the GDC will not seek reports from this individual, it will wish to satisfy itself that the chosen mentor is an appropriate person.

The conditions will be imposed for a period of six months and will be reviewed shortly before the end of that period. At that review hearing, the Committee would expect to receive evidence of Mr Peshev's compliance with these conditions.

That concludes the case for today."

At a second review hearing on 27 July 2017, the Chairman announced the determination as follows:

"Mr Peshev: This is the resumed hearing of your case which is being held in accordance with Rule 29 of the General Dental Council (GDC)(Fitness to Practise) Rules Order of Council 2006 (the Rules). You are present but you are not legally represented. Ms Headley appears on behalf of the GDC. This hearing is being held following a direction made by a Professional Conduct Committee (PCC) on 20 January 2017 that the period of conditional registration be extended for a further period of 6 months. That PCC indicated that the order should be reviewed before its expiry.

Background

Ms Headley outlined the background of your case. In July 2016, the PCC considered allegations against you relating to you providing NHS dentistry while not on a Dental Performer's List, during which time you continued to undertake dental work when you should not have done so. The PCC accepted that you were unaware that you had been removed from the Dental Performer's list and that you genuinely believed that your Performer's List number was valid. The PCC therefore concluded that there was no basis for a finding of dishonesty in relation to you working at Belmont House Dental Surgery in April 2015. However, the PCC found proved that you made misleading entries on your application for inclusion on the Betsi Cadwaladr University Health Board list in April 2015. Further, it found proved that you provided information to the GDC on or about 15 July 2015 which was misleading. The PCC considered that your responses to the GDC were "sloppy, inaccurate and incomplete, but not dishonest". The PCC described the findings against you, as amounting to a "repeated unawareness of your obligations to be frank, candid and careful with two Health Boards, the GDC and your employer." It determined that the findings amounted to misconduct.

The PCC took the view that your omissions were remediable, but it was not persuaded that you had in fact done so. It considered that you had demonstrated little insight into your shortcomings or of their potential impact on the public, the profession and public confidence in the profession. The PCC concluded that a risk of repetition remained. It therefore concluded that your fitness to practise was impaired. The PCC directed that your registration be subject to conditions for a period of six months, with the expectation that you would be able to fully complete your remediation. This included a requirement (condition 1) that you should formulate a Personal Development Plan (PDP) designed to include details of appropriate and accredited training in a number of areas, including ethics of the dental profession, which was to be forwarded to the GDC within three months of the conditions becoming effective (condition 2). You were also advised to seek guidance from a mentor to assist you in complying with the conditions. The remaining conditions (3 to 6) were the GDC standard conditions about notifying various parties about your conditions and informing the GDC about your employment situation.

The PCC reviewed the order of conditions at a hearing on 20 January 2017. You were not present or represented at that hearing. The PCC noted the limited information before it which comprised a handwritten copy of your PDP and the name of your proposed mentor. However, there was neither evidence of your reflective pieces nor any information as to your current whereabouts. Further, there was no evidence that you had shown any insight into the areas of concern identified by the PCC in July 2016. The PCC reviewing the order concluded that your fitness to practise remained impaired by reason of your misconduct. It also determined that you failed to comply fully with conditions 1 and 2 of the order of conditions on your registration. The GDC sought an extension of the current order of conditions and the Committee agreed to that proposal. It therefore directed that the current period of conditional registration be extended for a further period of six months to give you a further opportunity to address your remediation.

Today's review hearing

This Committee first considered whether your fitness to practise remains impaired by reason of your misconduct. In so doing, it has had regard to the documents contained in the GDC's hearing bundle, as well as a four-page document provided on your behalf, which contains certificates of your CPD for September to December 2016. The Committee notes from the

GDC's bundle its requests for information from you in relation to your compliance with the conditions imposed on your registration as well as repeated requests for you to provide it with an effective address to receive correspondence from the GDC. Save for your email notifying the GDC that you would be attending today's hearing, you did not reply to any of the requests for information made by the GDC. The letter dated 25 April 2017 from the GDC's Case Review Team to you, sets out the dates when the GDC has sent correspondence to you on 7 occasions as follows: 26 January 2017, 10 February 2017, 27 February 2017, 28 February 2017 (two separate emails were sent to you on that date) and 27 March 2017 (two separate emails were sent to you on that date). The GDC received no response from you. The letter reminds you of the need to comply fully with your conditions and to provide it with the necessary information as well as a need to comply with standard 9.4.1 of the GDC's Standard. That standard 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. You should seek advice from your indemnity provider or professional association."

The letter also reminded you of your obligation to provide an effective address.

The bundle also contains a copy of a screenshot dated 25 April 2017 for the Centre for Dentistry at Sainsburys, Blackpool, which shows you to be one of the dentists working there.

The Committee has also had regard to the submissions made by Ms Headley, on behalf of the GDC, and your own submissions.

Ms Headley submitted that your fitness to practise remains impaired. In support of that proposition, she referred to your failure over a long period of time to co-operate with the GDC and your failure to comply with the current order of conditions. In short, she submitted that there is no evidence before the Committee to satisfy it that your conduct has been remedied and therefore you remain a risk to the public. Ms Headley invited the Committee to direct that your registration be suspended for a period of 12 months.

You told the Committee that you have not been able to work as a dentist in this country or your home country since losing your job as the current order of conditions made it "impossible" for you to find work. You also explained that you have complied with the conditions imposed on your registration. In respect of the provision of a PDP, you explained that you provided a copy of this to the GDC. Ms Headley confirmed that this document had been considered by the PCC at the review hearing in January 2017 but said a further PDP had been directed to be provided by that Committee. You submitted that an order of suspension would not assist with your current situation.

The Committee has considered carefully the submissions made. It has accepted the advice of the Legal Adviser. Throughout its deliberations, it has borne in mind that its primary duty is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.

The Committee notes the certificates of CPD provided pre-date the PCC hearing in January 2017 and are limited in terms of their scope and adequacy. Moreover, the Committee is concerned about your failure to respond to the GDC's repeated requests for information as to your compliance of the conditions. These conditions were placed on your registration so as to protect the public and the public interest and the Committee considers that they were not onerous. Further, they did not restrict your practice. The Committee notes that the GDC wrote to you on seven occasions following the review hearing of your case on 20 January

2017 and up until March 2017 in relation to your conditional registration, to which you did not respond. You also failed to provide the GDC with an effective address during that time, even though you had a professional obligation to do so. The Committee is concerned about your wilful disregard of your professional obligations and your failure to engage with the GDC over a long period of time. The Committee has determined that you have failed to comply with any of the conditions imposed on your registration. There is no evidence of any remediation before it or even attempts at remediation. Moreover, as of today, you have still not provided the PDP directed in January 2017. In the Committee's view, the absence of such evidence raises concerns about your insight into the areas of concern identified by the PCC in July 2016 and January 2017. Taking all these matters into account, the Committee has concluded that your fitness to practise remains impaired by reason of your misconduct.

The Committee next considered what direction to give, bearing in mind its powers in accordance with Sections 27C(2) and (3) of the Dentists Act 1984. In doing so, it has borne in mind the purpose of a sanction is not to be punitive, but rather to protect patients and the wider public interest. The Committee is concerned that you have not demonstrated any compliance with the conditions directed by the PCC reviewing your case in January 2017, despite being given every opportunity to do so. Furthermore, the Committee considers that you have shown a wilful disregard of the GDC and its regulatory proceedings. There is nothing before the Committee today to satisfy it that you would comply with a further period of conditional registration, given your failure to do so since their imposition in July 2016, and your lack of engagement with the GDC. Taking all these factors into account, the Committee has concluded that conditions are no longer workable, achievable or sufficient for the protection of the public and the wider public interest.

The Committee therefore directs that your registration be subject to an order of suspension for a period of 6 months. The Committee considers that this period of time is proportionate, given your breach of the order of conditions and your failure to engage with your regulator. While not binding any future reviewing Committee, this Committee considers that 6 months will provide you with an opportunity to reflect on the shortcomings identified in this case and for you to formulate a PDP, as recommended by the PCC on previous occasions. The PDP should contain appropriate and accredited training which you have undertaken which examines:

- the ethics of the dental profession,
- the regulations affecting UK dental practice and NHS governance
- the need for openness, transparency in his practice, and in relationships with others as set out in the standards for dental professionals
- reflective pieces on your learning including details of his personal understanding of these issues.

The order of suspension will be reviewed shortly before the end of the 6-month period. That Committee will consider what action it should take in relation to your registration. All documents should be provided to the GDC in good time before the resumed hearing to assist a future Committee. During the period of the suspension you will be expected to provide the GDC with an effective address and to reply to their requests for information.

The Committee now invites submissions from both parties as to whether your registration should be suspended immediately, pending the taking effect of its substantive direction of suspension."

Decision on immediate order

“Having directed that your registration be suspended, the Committee has considered whether to impose an order for immediate suspension. Ms Headley invited the Committee to make such an order. You informed the Committee that you had no intention of appealing against the Committee’s decision.

In accordance with Section 30(1) of the Dentists Act 1984 (as amended), the Committee is satisfied that it is necessary for the protection of the public and is otherwise in the public interest to direct that your registration be suspended forthwith. In the light of its reasons for directing that your registration be suspended, as stated in its previous determination, the Committee is satisfied that it would not be appropriate to allow you the opportunity to continue to practise for the next 28 days or pending any appeal, if made.

The effect of this direction is that your registration will be suspended immediately.

That concludes today’s hearing.”

At a review hearing on 5 February 2018 the Chairman announced the determination as follows:

Mr Peshev was neither present nor represented at this resumed hearing, held pursuant to s.27C of the Dentists Act 1984.

Mr Round, for the General Dental Council (GDC), submitted that notification of the hearing had been served on Mr Peshev in accordance with the General Dental Council (Fitness to Practise) Rules 2006 (the “Rules”) and that the Committee should exercise its discretion to proceed in his absence.

Service and absence

The notification of hearing was sent to Mr Peshev at his registered address on 5 January 2018 by Special Delivery. Royal Mail ‘Track and Trace’ records that delivery of the item was attempted on 6 January 2018 with a ‘while you were out’ card being left at the address. The item was not called for and was returned to the GDC on 26 January 2018. The notification contained the required information under Rule 28 of the Rules, including the time, date and venue of this hearing. The Committee was satisfied that it had been served on Mr Peshev in accordance with Rule 65 by virtue of it being posted to his registered address. It is the duty of all registered dental professionals to keep their registered address up to date. A copy of the notification was also sent to Mr Peshev by email on 5 January 2018 via a secure file sharing service.

The Committee is satisfied that the GDC had made all reasonable efforts to notify Mr Peshev of this hearing and its purpose. It attempted to communicate with him via email, telephone and letter. The Committee noted that the telephone number on record was no longer valid. The notification of hearing advised him that he had the option of attending this hearing via video-link and that his non-attendance was likely to be “severely prejudicial” to his case. There has been no response from Mr Peshev. There is no application for a postponement and there is nothing before the Committee to suggest that an adjournment would make Mr Peshev’s attendance any more likely in the near future. The Committee concluded that he has waived his right to attend this hearing. Having regard to all the circumstances, including the public interest in the expeditious disposal of proceedings – and the need to review the

sanction prior to is pending expiry – the Committee determined that it would be fair and in the interests of justice to proceed, notwithstanding his absence.

The resumed hearing

On 15 July 2016 the Professional Conduct Committee (PCC) found Mr Peshev's fitness to practise to be impaired by reason of misconduct. In April 2015 he provided dental advice and treatment on the NHS without being on a Dental Performers list and also made misleading declarations to NHS Wales Shared Services Partnership when applying for entry on to such a list. In July 2015 he provided misleading information to the GDC when applying for the restoration of his registration. The initial PCC summarised its findings on misconduct as follows:

...Your omissions demonstrated a repeated unawareness of your obligations to be frank, candid and careful with two Health Boards, NHS Wales, NHS Highland, the GDC and your employer. The responsibility to be fully compliant with the relevant rules and to provide full information is yours. Your omissions demonstrated an inability to appreciate the significance of important questions that have a direct impact on the issues of patient safety. Further your responses to the GDC were during the formal process by your regulator responsible for maintaining public confidence in the profession. The Committee agrees with Mr Collins' description that you were "effectively blind" to the relevance and importance of the provision of this information and what the public and profession expect from a dental practitioner in this regard. It also agreed with Ms Watson's description that your omissions amounted to "grave errors of judgement".

You provided incorrect information, which fellow professionals and the wider public would consider unacceptable. The Committee is concerned that there remains a risk of repetition. The Committee has not been provided with evidence of your current ability to self-regulate, to fully understand what is misleading and what is not. The Committee considers that you have not demonstrated adequate insight into your misleading conduct. The Committee considers that you have not fully understood the severity, and the damage, your actions have had on the dental profession and also public confidence. The Committee considers that there still remain attitudinal and behaviour concerns.

The Committee was mindful that your omissions were not an isolated incident of one misleading document to one body, but rather a series of repeated failures over a prolonged period. In the light of this judgement and for these reasons detailed above, the Committee had no hesitation in concluding that your failures were sufficiently serious to amount to misconduct even though they were not dishonest ones.

The conditions were reviewed by the PCC on 20 January 2017, when they were extended for a further period of six months with a review. The conditions were next reviewed on 27 July 2017, when the PCC revoked the conditions and directed that Mr Peshev's registration be suspended for a period of six months with a review:

The Committee is concerned that you have not demonstrated any compliance with the conditions directed by the PCC reviewing your case in January 2017, despite being given every opportunity to do so. Furthermore, the Committee considers that you have shown a wilful disregard of the GDC and its regulatory proceedings. There is nothing before the Committee today to satisfy it that you would comply with a further period of conditional registration, given your failure to do so since their imposition in July 2016,

and your lack of engagement with the GDC. Taking all these factors into account, the Committee has concluded that conditions are no longer workable, achievable or sufficient for the protection of the public and the wider public interest.

The Committee therefore directs that your registration be subject to an order of suspension for a period of 6 months. The Committee considers that this period of time is proportionate, given your breach of the order of conditions and your failure to engage with your regulator. While not binding any future reviewing Committee, this Committee considers that 6 months will provide you with an opportunity to reflect on the shortcomings identified in this case and for you to formulate a PDP, as recommended by the PCC on previous occasions. The PDP should contain appropriate and accredited training which you have undertaken which examines:

- the ethics of the dental profession,
- the regulations affecting UK dental practice and NHS governance
- the need for openness, transparency in his practice, and in relationships with others as set out in the standards for dental professionals
- reflective pieces on your learning including details of his personal understanding of these issues.

The order of suspension will be reviewed shortly before the end of the 6-month period. That Committee will consider what action it should take in relation to your registration. All documents should be provided to the GDC in good time before the resumed hearing to assist a future Committee. During the period of the suspension you will be expected to provide the GDC with an effective address and to reply to their requests for information.

It is the role of the Committee today to undertake that review. Mr Round submitted that Mr Peshev fails to show sufficient remediation and insight; his fitness to practise remains impaired and that his registration should be extended for a further period of 12 months with a review.

The Committee accepted the advice of the Legal Adviser. The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016) (the "Guidance").

Mr Peshev has failed to discharge the persuasive burden on him to demonstrate to this review Committee that he acknowledges the matters leading to his impairment and has adequately addressed them. The previous Committee gave him clear guidance as to how he could achieve this. He had not attended this hearing, nor had he otherwise engaged in this review. There is no evidence whatsoever before this Committee of any insight, reflection or remediation since the last PCC in July 2017. There has been no progress. On the evidence before the Committee, there remains a real risk of repetition. There therefore continues to be a risk of harm to the public and to the reputation of the profession. Public confidence in the profession would also be seriously undermined if a finding of continued impairment were not made.

Accordingly, the Committee is satisfied that Mr Peshev's fitness to practise remains impaired by reason of his misconduct. In the Committee's judgment, a sanction remains necessary for the protection of the public and to maintain public confidence in the profession. Conditions of practice would be unworkable, as Mr Peshev is not currently engaging and had previously failed to comply with the conditions on his registration. Suspension remains necessary and proportionate.

Accordingly, the Committee directs that the period of suspension be extended for a further period of 12 months, beginning with the date on which it would otherwise expire. A period of 12 months is appropriate given Mr Peshev's lack of engagement and the need for him to have sufficient time to engage, reflect on his misconduct and demonstrate full remediation. The suspension shall be reviewed prior to its expiry.

That concludes the hearing today."

At a review hearing on 1 February 2019 the Chair announced the determination as follows:

"Service

This is a resumed hearing of Mr Peshev's case which is being held pursuant to Section 27C of the Dentists Act 1984 (the Act). Mr Peshev is not present or represented at the hearing. There is no case presenter on behalf of the General Dental Council (GDC).

In the absence of Mr Peshev the Committee first considered whether the Notice of Hearing had been served on Mr Peshev in accordance with Rules 28 and 65 of the GDC (Fitness to Practise) Rules Order of Council 2006 (the Rules). In so doing, it has had regard to the GDC's written submissions as well as the bundle of documents provided by the GDC. It has accepted the advice of the Legal Adviser.

The Committee has seen a copy of the Notice of Hearing letter, dated 18 December 2018, which was sent to Mr Peshev's registered address by special delivery. The Committee is satisfied that the letter contains proper notification of today's hearing, including its time, date and location, as well as the grounds for holding the review hearing. The Royal Mail track and trace receipt states that it attempted to deliver the item to Mr Peshev's registered address, in accordance with Section 50A(2) of the Act but it was "returned to sender".

Finally, the Committee has seen a telephone attendance note which records that on 9 January 2019 the GDC attempted to telephone Mr Peshev on his mobile number (the number held on the GDC's case management contact card) but the number was invalid.

The Committee is aware that the GDC is only required to demonstrate that it has sent the Notice of Hearing to the Registrant at the Registrant's registered address. There is no requirement for the Regulator to demonstrate that the Notice of Hearing has been received. It is also aware that there is a requirement for a Registrant to keep his/her registered address up to date and to notify the GDC of any change of that address. Mr Peshev has not done so. The Committee has concluded that the GDC has made all reasonable efforts to serve the Notice of Hearing on Mr Peshev in compliance with the Rules.

Proceeding in the absence of Mr Peshev

The Committee then considered whether to proceed in the absence of parties in accordance with Rule 54. The GDC, in its written submissions, invited the Committee to do so on the basis that all reasonable efforts have been made by the GDC to inform Mr Peshev of today's proceedings. However, Mr Peshev continues not to engage in these proceedings.

The Committee notes that the GDC sent an email to Mr Peshev on 9 January 2019, asking him to inform the GDC by no later than 16 January 2019 whether he will be attending the hearing and/or be represented. The email states that in the absence of any response from Mr Peshev by that date, the GDC will request that the hearing is listed on the papers in the absence of both parties. The email also asks Mr Peshev to provide the GDC with an updated

address, since correspondence to his registered address has been returned. Mr Peshev has not responded to the GDC.

The Committee has accepted the advice of the Legal Adviser. It is aware that its discretion to proceed in the absence of Mr Peshev must be exercised with the utmost care and caution. It also had regard to the need for fairness to both parties, as well as the GDC's main statutory objective, namely, to protect, promote and maintain the health and safety of the public.

The Committee considers that the GDC has made all reasonable efforts to notify Mr Peshev of today's review hearing, including by letter, by email and by telephone. However, Mr Peshev has failed to respond. Further, there is nothing to suggest that Mr Peshev would attend on a future occasion, given that he has not responded to any of the GDC's attempts to contact him. The Committee has concluded that Mr Peshev has voluntarily absented himself from today's hearing. It considers that there is a clear public interest in conducting a review of the order, given that the current order is due to expire on 23 February 2019. It notes that should the matter be adjourned, the GDC would not be able to satisfy the 28 day notice period before the expiry of the current order. Having weighed the interests of Mr Peshev with those of the GDC, the Committee has determined to proceed with today's hearing in his absence.

Background to the case

In July 2016 the Professional Conduct Committee (PCC) considered allegations against Mr Peshev relating to the provision of NHS dentistry while he worked at Belmont House Dental Surgery (the Surgery). It found proved that Mr Peshev made misleading entries on his April 2015 application for inclusion on the Betsi Cadwaladr University Health Board List. Further, it found that he had provided information to the GDC regarding details of his employer/bodies with whom he had a contract or an arrangement to provide services, which was misleading. It considered that the failures were sufficiently serious to amount to misconduct.

The PCC considered that Mr Peshev's omissions were remediable, but it was not persuaded that they had been remedied by him. It considered that a risk of repetition continued. The PCC concluded that Mr Peshev's fitness to practise was currently impaired. It directed that Mr Peshev's registration be subject to an order of conditions for a period of six months. It considered that that period of time would be sufficient for Mr Peshev to address the concerns identified in the case.

The PCC reviewed the order on 20 January 2017. Mr Peshev was neither present nor represented at that hearing and the PCC decided to proceed in his absence. It noted that there had been some limited engagement by Mr Peshev in relation to his compliance with the conditions but there was no evidence of a reflective log or evidence of remediation. The PCC was not satisfied that Mr Peshev had shown any insight into the areas of concern identified by the PCC in July 2016. It determined that Mr Peshev's fitness to practise remained impaired. It also determined that he had failed to comply fully with two of the conditions placed on his registration. The PCC directed that the period of conditional registration be extended for a further period of six months.

A review hearing took place on 27 July 2017. Mr Peshev attended that hearing. The GDC's position was that Mr Peshev's fitness to practise remained impaired, given his failure to co-operate with the GDC and his lack of compliance with the current order of conditions. Mr Peshev told the Committee that he had not been able to work as a dentist in this country or his home country as the current order of conditions made it "impossible" for him to find work.

The PCC in July 2017 was concerned about Mr Peshev's failure to respond to the GDC's repeated requests for information as well as his failure to comply with the conditions, despite being given every opportunity to do so. It considered that the conditions were no longer workable or sufficient for the protection of the public and the wider public interest. The PCC directed that the order of conditions be replaced with one of suspension for a period of six months. It recommended that Mr Peshev should formulate a Personal Development Plan (PDP) to address the concerns identified in his case.

The PCC reviewed Mr Peshev's case at a hearing on 5 February 2018. He did not attend that hearing. The PCC noted that Mr Peshev had been given ample opportunity to demonstrate that he has adequately addressed the shortcomings identified in his practice but had not done so. The PCC noted the absence of any insight, reflection or remediation and in short – the lack of any progress. It considered that there remained a real risk of repetition. The PCC concluded that Mr Peshev's fitness to practise remained impaired. It considered that conditions would not be workable in view of his lack of engagement with the GDC and his previous failure to comply with them. The PCC directed that the period of suspension be extended for a further period of 12 months, with a review to take place before its expiry.

Today's review

At today's hearing this Committee has comprehensively reviewed the current order. In so doing, it has had regard to the documents before it which in essence amounts to attempts made by the GDC to contact Mr Peshev in relation to these proceedings but without any success. It notes the GDC's correspondence to Mr Peshev has been returned to the GDC or else documents sent to Mr Peshev electronically have not been downloaded. There is no information from Mr Peshev at all in relation to today's hearing.

The GDC submitted that Mr Peshev's fitness to practise remains impaired. It refers to the absence of any new information to demonstrate Mr Peshev's insight or remediation or adherence to previous PCC recommendations. The GDC invites the Committee to direct that Mr Peshev's registration be suspended for a further period of 12 months with a review.

The Committee has considered carefully the submissions made. Throughout its deliberations, it has borne in mind that its primary duty is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and in the regulatory process, and the declaring and upholding of proper standards of conduct and behaviour. The Committee has accepted the advice of the Legal Adviser.

There is no evidence before this Committee that Mr Peshev has addressed any of the deficiencies identified by the PCC at the initial hearing in July 2016 or at the subsequent review hearings since that hearing. During that time Mr Peshev's engagement with the GDC has been extremely limited and he has effectively ceased to engage with his regulator since 27 July 2017. In the Committee's view, Mr Peshev has failed to discharge the burden on him to demonstrate that he has addressed the previous PCC's concerns. Accordingly, the Committee has concluded that Mr Peshev's fitness to practise remains impaired.

The Committee next considered what direction to give. In so doing, it has had regard to the GDC's "Guidance for the Practice Committees including Indicative Sanctions Guidance" (October 2016). In the Committee's judgement, Mr Peshev has not demonstrated any commitment to remediate his deficiencies or engage with the GDC, despite being given numerous opportunities to do so. In these circumstances, the Committee concluded that

terminating the current suspension order would not be appropriate or sufficient for the protection of the public.

The Committee considered whether to replace the current suspension order with one of conditions. In so doing, it had regard to the absence of any evidence of remediation from Mr Peshev and his extremely limited engagement with his regulator over a long period of time. Further, it has no information as to Mr Peshev's current circumstances or his future intentions with regard to his practice. In these circumstances, the Committee is not satisfied that conditions are appropriate, workable or sufficient for the protection of the public.

The Committee considers that suspension remains necessary for the protection of the public and the maintenance of public confidence in the dental profession. Realistically, this is the only appropriate sanction in this case. It therefore directs that Mr Peshev's registration be suspended for a further period of 12 months. It is satisfied that this is the proportionate and appropriate outcome.

The effect of the foregoing direction is that, unless Mr Peshev exercises his right of appeal, his registration will be suspended for a further period of 12 months. The order of suspension will be reviewed shortly prior to the end of the 12 month period. That Committee will consider what action it should take in relation to Mr Peshev's registration.

That concludes this case for today."

At a review hearing on 17 January 2020 the Chairman announced the determination as follows:

"This is a resumed hearing pursuant to s 27C of the Dentists Act 1984.

On 15 July 2016 the Professional Conduct Committee (PCC) found Mr Peshev's fitness to practise to be impaired by reason of his misconduct, summarising the background to the case as follows:

You came to the United Kingdom in April 2008 and having secured employment in South Wales in a mixed private and NHS practice, were told by those employers that in order to practice NHS dentistry you needed to be on an NHS Dental Performer's List. You applied to Neath Port Talbot Health Board Wales ("ABMU") and were given a performer's number. Having worked in South Wales for one year you moved to work in North Wales. In August 2011 you applied to join Betsi Cadwaladr University Health Board ("Betsi") List as you had been told by ABMU to change to Betsi as most of your work was in the Betsi area. However, before hearing a response from Betsi you left the United Kingdom in November 2011 and returned to Bulgaria to deal with your mother's health problems.

As a result of relocating to Bulgaria from 2011 you chose not to undertake dentistry in the United Kingdom and not to renew your registration. Your name was then removed from the register of the GDC. Further, it was not disputed that the Shared Services Partnership Contractor Services for Wales ("SSP") sent a letter dated 4 January 2012 refusing your application to join the Betsi Dental Performers List, and a second letter dated 23 January 2012 stating that your name had been erased from the ABMU list because your registration with the GDC had been terminated. The first letter was sent to your address in North Wales. The second letter was sent to your address in Bulgaria. You maintained that you did not receive either letter.

In September 2014 you returned to the United Kingdom intending to resume your dental career in this country, and you set about the process of returning to the GDC register. Your name was returned to the GDC register on 13 February 2015, and you also applied to be restored onto the

register with the Health Inspectorate of Wales and were restored to this about 19 February 2015. You did not make any application at that time to join a dental performers list.

You applied for and obtained an offer of work at Belmont House Dental Surgery, the Principal of which was Witness PG. The contractual start date was due to be 1 March 2015 but it is agreed evidence you did not start work until 7 April 2015. Witness PG terminated this work at the end of April 2015. During this period, you had made a second application to the Betsi Dental Performers List.

On 5 May 2015 you applied to join the NHS Highland Dental Performer's List. On 20 May 2015 your application to Betsi was refused as you had failed to declare a previous application and refusal by that Health Board on 4 January 2012. On 28 July 2015 the Highland application was refused on the grounds that you failed to declare that you were at the time of your application subject to an investigation into your professional conduct.

The allegations against you include that you worked at Belmont House Dental Surgery when you knew that you were required to be on a Dental Performer's List and that you knew that you were not and that this was misleading and dishonest; that you made misleading and/or dishonest entries on your April 2015 application for inclusion on the Betsi list. Further, it is alleged that you provided information regarding details of your employer/bodies with which you had a contract or an arrangement to provide services to the GDC that was misleading and dishonest.

The initial PCC did not find the allegations of dishonesty proved. It accepted that Mr Peshev was unaware that he had been removed from the Betsi Dental Performers' list and that he genuinely believed that his Performer's List number was valid. In finding misconduct, the initial PCC stated:

Your omissions demonstrated a repeated unawareness of your obligations to be frank, candid and careful with two Health Boards, NHS Wales, NHS Highland, the GDC and your employer. The responsibility to be fully compliant with the relevant rules and to provide full information is yours. Your omissions demonstrated an inability to appreciate the significance of important questions that have a direct impact on the issues of patient safety. Further your responses to the GDC were during the formal process by your regulator responsible for maintaining public confidence in the profession. The Committee agrees with Mr Collins' description that you were "effectively blind" to the relevance and importance of the provision of this information and what the public and profession expect from a dental practitioner in this regard. It also agreed with Ms Watson's description that your omissions amounted to "grave errors of judgement".

You provided incorrect information, which fellow professionals and the wider public would consider unacceptable. The Committee is concerned that there remains a risk of repetition. The Committee has not been provided with evidence of your current ability to self-regulate, to fully understand what is misleading and what is not. The Committee considers that you have not demonstrated adequate insight into your misleading conduct. The Committee considers that you have not fully understood the severity, and the damage, your actions have had on the dental profession and also public confidence. The Committee considers that there still remain attitudinal and behaviour concerns.

The Committee was mindful that your omissions were not an isolated incident of one misleading document to one body, but rather a series of repeated failures over a prolonged period. In the light of this judgement and for these reasons detailed above, the Committee had no hesitation in concluding that your failures were sufficiently serious to amount to misconduct even though they were not dishonest ones.

The initial PCC directed that Mr Peshev's registration be made conditional on his compliance with conditions for a period of 6 months with a review. The review hearing was held on 20 January 2017, when the conditions were extended for a further period of 6 months with a review, the review PCC stating:

The Committee notes from the limited information before it that Mr Peshev has made some attempt to comply with the conditions imposed on his registration. However, there is no evidence of a reflective log or any evidence of remediation, or even attempts at remediation before it. The Committee is also concerned that there is no evidence before it to demonstrate that Mr Peshev has shown any insight into the areas of concern identified by the PCC in July 2016. The Committee has therefore not been provided with any evidence of steps taken to address and remedy the identified shortcomings which might have followed from Mr Peshev's compliance with these conditions. Taking all these matters into account, the Committee has concluded that Mr Peshev's fitness to practise remains impaired by reason of his misconduct. It has also determined that Mr Peshev has failed to comply fully with conditions 1 and 2 of the order of conditions on his registration.

The next review took place on 27 July 2017, when the PCC replaced the conditions with a 6 month period of suspension with a review and an immediate order, the PCC stating:

The Committee notes the certificates of CPD provided pre-date the PCC hearing in January 2017 and are limited in terms of their scope and adequacy. Moreover, the Committee is concerned about your failure to respond to the GDC's repeated requests for information as to your compliance of the conditions. These conditions were placed on your registration so as to protect the public and the public interest and the Committee considers that they were not onerous. Further, they did not restrict your practice. The Committee notes that the GDC wrote to you on seven occasions following the review hearing of your case on 20 January 2017 and up until March 2017 in relation to your conditional registration, to which you did not respond. You also failed to provide the GDC with an effective address during that time, even though you had a professional obligation to do so. The Committee is concerned about your wilful disregard of your professional obligations and your failure to engage with the GDC over a long period of time. The Committee has determined that you have failed to comply with any of the conditions imposed on your registration. There is no evidence of any remediation before it or even attempts at remediation. Moreover, as of today, you have still not provided the PDP directed in January 2017. In the Committee's view, the absence of such evidence raises concerns about your insight into the areas of concern identified by the PCC in July 2016 and January 2017. Taking all these matters into account, the Committee has concluded that your fitness to practise remains impaired by reason of your misconduct.

...

The Committee therefore directs that your registration be subject to an order of suspension for a period of 6 months. The Committee considers that this period of time is proportionate, given your breach of the order of conditions and your failure to engage with your regulator. While not binding any future reviewing Committee, this Committee considers that 6 months will provide you with an opportunity to reflect on the shortcomings identified in this case and for you to formulate a PDP, as recommended by the PCC on previous occasions. The PDP should contain appropriate and accredited training which you have undertaken which examines:

- the ethics of the dental profession,
- the regulations affecting UK dental practice and NHS governance
- the need for openness, transparency in his practice, and in relationships with others as set out in the standards for dental professionals
- reflective pieces on your learning including details of his personal understanding of these issues.

The order of suspension will be reviewed shortly before the end of the 6-month period. That Committee will consider what action it should take in relation to your registration. All documents should be provided to the GDC in good time before the resumed hearing to assist a future

Committee. During the period of the suspension you will be expected to provide the GDC with an effective address and to reply to their requests for information.

The review took place on 5 February 2018, when the PCC directed that the suspension be extended for a further period of 12 months with a review, stating:

...There is no evidence whatsoever before this Committee of any insight, reflection or remediation since the last PCC in July 2017. There has been no progress. On the evidence before the Committee, there remains a real risk of repetition. There therefore continues to be a risk of harm to the public and to the reputation of the profession. Public confidence in the profession would also be seriously undermined if a finding of continued impairment were not made...

The next review took place on 1 February 2019 when the PCC directed that the suspension be extended for a further period of 12 months with a review, stating:

There is no evidence before this Committee that Mr Peshev has addressed any of the deficiencies identified by the PCC at the initial hearing in July 2016 or at the subsequent review hearings since that hearing. During that time Mr Peshev's engagement with the GDC has been extremely limited and he has effectively ceased to engage with his regulator since 27 July 2017. In the Committee's view, Mr Peshev has failed to discharge the burden on him to demonstrate that he has addressed the previous PCC's concerns. Accordingly, the Committee has concluded that Mr Peshev's fitness to practise remains impaired.

...

The Committee considers that suspension remains necessary for the protection of the public and the maintenance of public confidence in the dental profession. Realistically, this is the only appropriate sanction in this case. It therefore directs that Mr Peshev's registration be suspended for a further period of 12 months. It is satisfied that this is the proportionate and appropriate outcome.

The resumed hearing

It is the role of the Committee today to undertake the review directed by the February 2019 PCC. Mr Peshev was neither present nor represented before the Committee. Ms Denholm, for the General Dental Council (GDC), submitted that the notification of hearing had been served on Mr Peshev in accordance with the General Dental Council (Fitness to Practise) Rules 2006 (the "Rules") and that the hearing should proceed in Mr Peshev's absence.

The notification of hearing was sent on 10 December 2019 to Mr Peshev at his registered address by Special Delivery. The item was returned on 2 January 2020 with the envelope marked by Royal Mail "not called for". A copy of the notification of hearing was also sent to Mr Peshev by email on 10 December 2019. The notification of hearing indicated that the review would be conducted on the papers, although it appears the GDC subsequently intended to address the Committee orally. As of the scheduled start time of the hearing this morning, the Committee had not received any written submissions from either party. The GDC was still preparing its written submissions but the Committee refused to allow the late service of those written submissions.

The Committee instead allowed Ms Denholm to address it orally, subject to her confining her submissions to the question of service and proceeding in absence and to whether there had been any engagement from Mr Peshev since the last hearing. She confirmed that there had been no engagement from him whatsoever. The Committee then retired in camera, having heard and accepted the advice of the Legal Adviser, and excluded the GDC from any further participation in the hearing today.

The Committee was satisfied that the notification of hearing contained the required information under Rule 13 of the Rules, including the time, date and venue of this hearing; and that it had been served on Mr Peshev in accordance with Rule 65 by virtue of its being posted to his registered address. There has been no response or other engagement from him. There is no application for a postponement or adjournment from him. There is nothing whatsoever before the Committee to suggest that an adjournment would make his attendance any more likely before the pending expiry of the current period of suspension. Having regard to all the circumstances, the Committee was satisfied that it would be fair and in the public interest to proceed with the hearing, notwithstanding the absence of the registrant.

The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016). The first consideration for the Committee today is whether Mr Peshev's fitness to practise continues to be impaired. There has been no effective engagement from him since the review hearing in July 2017. There is no evidence before the Committee whatsoever of any remediation. Through passage of time his lack of remediation and non-engagement have exacerbated the impairment found by the past Committees. The Committee is satisfied that Mr Peshev's fitness to practise continues to be impaired both in terms of public protection and in the wider public interest.

A continued sanction on his registration is necessary to maintain public confidence in the profession and this regulatory process. Conditions of practice would be wholly unworkable, owing to complete lack of engagement from Mr Peshev and his previous failures to have complied with the conditions on his registration. The suspension of his registration therefore remains appropriate. Mr Peshev has been suspended for over two years, with no indication that he will engage or remedy the failings identified at the initial PCC in 2016. He has been given ample opportunity to demonstrate remediation but no longer engages in these proceedings. There is nothing before the Committee to suggest that there would be any engagement or remediation at a review hearing in 12 months' time: a reviewing Committee would be in the same position as the Committee today. Accordingly, the Committee directs that Mr Pehsev's registration be suspended indefinitely.

That concludes the case."