

ON PAPERS

Professional Conduct Committee Review Hearing

3 February 2025

Name: TALBOT, Melissa Hayley

Registration number: 231234

Case number: CAS-197375-B5Z9M1

General Dental Council: Sarah Barker, IHLPS

Registrant: Unrepresented

Fitness to practise: Continues to be impaired by reason of misconduct

Outcome: Indefinite suspension

Committee members: Diane Meikle (Chair, Lay member)
Arjun Shinh (Dentist member)
Caroline Ross (DCP member)

Legal adviser: Michael Bell

Committee Secretary: Paul Carson

1. This is a resumed hearing pursuant to section 36Q of the Dentists Act 1984.
2. On 18 January 2023, the Professional Conduct Committee (PCC) found Miss Talbot's fitness to practise as a dental nurse to be impaired by reason of misconduct and directed that her registration be suspended for a period of 12 months with a review. Miss Talbot was neither present nor represented at that hearing.
3. The initial PCC found that Miss Talbot provided tooth whitening when she was not permitted to do so, worked beyond her scope of practice and provided dental services without holding adequate indemnity cover. In directing that her registration be suspended with a review, the initial PCC stated:

'The Committee gave careful consideration to the option of erasure but determined that such a step would be disproportionate. The Committee has concerns about Ms Talbot's insight into the consequences of her conduct and how it impacts on public confidence in the dental profession. However, it had no evidence before it of serious attitudinal issues which would justify erasure. This is not, in the Committee's opinion, a case which is incompatible with Ms Talbot remaining on the register. Consequently, the Committee concluded that the sanction of erasure would not be appropriate or proportionate as it is not the only course that would adequately protect the public interest. Taking all these factors into account, the Committee is satisfied that the public protection and public interest concerns in this case are sufficiently met by a period of suspension.'

4. Miss Talbot's case was reviewed on the papers by the PCC on 5 February 2024, with neither party being present at the hearing. The February 2024 PCC found that Miss Talbot's fitness to practise continued to be impaired by reason of misconduct and directed that the suspension on her registration be extended by a further period of 12 months with a review. In its determination, it stated:

'The Committee has been presented with no evidence from Miss Talbot that may indicate developments in her insight or that demonstrates any steps she has taken to remediate her misconduct. Accordingly, it cannot be satisfied that the risk of repetition has diminished. The Committee therefore determined that a finding of current impairment is required to protect patients.'

The Committee also determined that in the circumstances, a finding of current impairment is required in order to maintain public confidence in the dental professions and to declare and uphold proper standards of conduct and performance.

[...]

...it would not be appropriate to place conditions on Miss Talbot's registration that would require her to work within her scope of practice and to maintain adequate indemnity cover, as these are legal requirements that all registrants are expected to

adhere to. Furthermore, given Miss Talbot's ongoing lack of engagement with the fitness to practise process, the Committee had no confidence that Miss Talbot would comply with conditions of practice. It therefore determined that imposing conditions of practice would be neither appropriate nor proportionate to the nature of the misconduct found proved.

The Committee then went on to consider whether to direct that the current period of suspension be extended. It was satisfied that a further period of suspension would afford Miss Talbot another opportunity to re-engage with the GDC and to take steps towards returning to unrestricted practice if she so wishes, whilst suitably protecting the public and upholding the public interest. The Committee determined that a 12-month extension to the current period of suspension is appropriate and proportionate.'

5. In directing that the suspension be reviewed prior to its expiry, the February 2024 PCC reiterated the following recommendations which had been made to Miss Talbot by the initial PCC:

'...a Committee reviewing Ms Talbot's case may find it helpful to receive the following:

- evidence of her meaningful engagement with the GDC;*
- evidence of CPD and training relevant to the clinical risks identified; and*
- a reflective piece demonstrating her insight into and understanding of the impact of her actions upon patients, the wider public and the dental profession.'*

The review hearing 3 February 2025

6. The role of the Committee today is to undertake the review directed by the February 2024 PCC. Neither party was present at the hearing, which was conducted remotely using Microsoft Teams. In its written submissions, the GDC requested that the hearing proceed in the absence of the parties and that the suspension be reviewed on the papers. Its position is that a direction for indefinite suspension is now appropriate in light of Miss Talbot's stated position that a direction for indefinite suspension would be preferable for her at this time rather than further review hearings.
7. A record of email correspondence and telephone discussions between the GDC and Miss Talbot regarding today's hearing was put before the Committee. In those communications Miss Talbot initially objected to the GDC's position that her registration be indefinitely suspended. In response to her engagement, the GDC revised its position and informed her that it would instead be asking for the suspension of her registration be extended by a further period of six months with a review, to allow her further time in which to complete any learning and remedial steps which she might need to undertake. In response, Miss Talbot ultimately stated that indefinite suspension would be preferable for her, as she did not want to deal with the stress of further review hearings in light of her current health and personal circumstances. She stated that indefinite suspension would be "heartbreaking" given how hard she had

worked to become a dental nurse but indicated that she has no intention of returning to dentistry.

8. The Committee accepted the advice of the Legal Adviser on the requirements of service and proceeding in absence.
9. The Committee was satisfied that the notification of hearing dated 5 December 2024 had been served on Miss Talbot in accordance with the requirements of Rules 28 and 65 of the General Dental Council (Fitness to Practise) Rules 2006. The Committee was satisfied that she is aware of this hearing and its purpose, as evidenced by her communications with the GDC regarding its proposed sanction bid for indefinite suspension. In her communications, she confirmed that she did not wish to attend this hearing and that she was therefore content for the case to be reviewed on the papers. She has not applied for any adjournment or postponement of the hearing. Having regard to all the circumstances, including the pending expiry of the current period of suspension, the Committee determined that it would be fair and in the public interest to proceed with the hearing notwithstanding her absence (and that of the GDC) and to review the case on the papers.
10. The Committee accepted the advice of the Legal Adviser on the review of the suspension.
11. The Committee first considered whether Miss Talbot's fitness to practise continues to be impaired. There has been only minimal engagement from her in these proceedings. Despite twice being advised by the previous PCCs of the kind of remedial steps she would need to take to address the impairment of her fitness to practise, such as reflection and targeted Continuing Professional Development (CPD) activity, she continues to provide no evidence of remediation. In these circumstances, the Committee determined that there remains a risk of repetition of her misconduct and that her fitness to practise therefore remains impaired on public protection grounds. The Committee also determined that her fitness to practise remains impaired on wider public interest grounds, in light of her continued lack of remediation. Public confidence in the profession and in the GDC as regulator would be seriously undermined if no finding of impairment continued to be made to mark the seriousness of Miss Talbot's misconduct and her continued failure to demonstrate remedial steps.
12. The next consideration for the Committee was what further action, if any, to take in respect of Miss Talbot's registration. The Committee determined that the restriction of her registration remains necessary for public protection and to maintain wider public confidence in the profession. The Committee could not identify any conditions which could be formulated to be workable, measurable and proportionate, given the nature of Miss Talbot's misconduct and her limited engagement in these proceedings. As identified by the last reviewing PCC, conditions would only require her to comply with basic professional standards to which her registration is already subject, such as a requirement to always work within her Scope of Practice. As Miss Talbot presently demonstrates only minimal engagement in these proceedings, the Committee could not in any event be currently satisfied that she would comply with any conditions on her registration.
13. The Committee therefore determined that the suspension of Miss Talbot's registration remains necessary and proportionate. The Committee considered whether to direct that the

suspension be extended by a further period with a review, or whether a direction for indefinite suspension should now be given. Having regard to all the circumstances, including Miss Talbot's minimal engagement, her failure at this second review hearing to provide any evidence of remediation and the difficult personal circumstances which she reports as affecting her ability to fully engage in the remedial process at this time, the Committee determined that she is unlikely to demonstrate remediation within the next 12 months (the maximum period by which the suspension could be extended) and that extending the period of suspension with the expense and resources of a further review hearing is therefore unlikely to serve any useful purpose. Accordingly, the Committee determined that a direction for indefinite suspension is now appropriate. In reaching its decision, the Committee was mindful that Miss Talbot has the right to apply for the indefinite suspension to be reviewed after 2 years, should she more able at that time to fully engage in this process and to remedy the misconduct found by the initial PCC.

14. The Committee therefore gives a direction for indefinite suspension.
15. That concludes this determination.