

## PRIVATE HEARING

### Professional Conduct Committee Initial Hearing

22-23 April 2024

**Name:** MORGAN, Sara Ann  
**Registration number:** 137229  
**Case number:** CAS-203582-N5R7B1

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**General Dental Council:** Tom Stevens, Counsel  
Instructed by Catlin Buckerfield, IHLPS

**Registrant:** Not present  
Unrepresented

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**Fitness to practise:** Impaired by reason of health and conviction

**Outcome:** Suspended with immediate suspension (with a review)

**Duration:** 12 months

**Immediate order:** Immediate suspension order

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**Committee members:** David Wood ( Chair and lay member)  
Johanna Bryant (Dentist member)  
Katarzyna Richards (DCP member)

**Legal adviser:** Tanveer Rakhim

**Committee Secretary:** Jamie Barge

At this hearing the Committee made a determination that includes some private information. That information has been omitted from the separate public version of this determination, and that public document has been marked to show where private material has been removed. The private material appears in highlighted form in this private version of the determination.

## Charge

*“That being a registered dental care professional:*

1. *On 27 May 2021, you were convicted at Lincolnshire Magistrates Court of driving a motor vehicle on 9 May 2021, after consuming alcohol exceeding the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.*
2. *You have an adverse health condition, as specified in Schedule A\**

*And that, by reason of the facts alleged, your fitness to practice is impaired by reason of your conviction and/or health condition.”*

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1. This is the Health Committee’s inquiry into the facts which form the basis of the allegation against Ms Morgan, who has not attended the hearing and is not represented. Mr Tom Stevens of Counsel presented the General Dental Council’s (GDC) case. The hearing is conducted remotely via Microsoft Teams video-link in line with the GDC’s current guidance.
2. The Committee has taken into account all the evidence presented to it. It has accepted the advice of the Legal Adviser. In accordance with that advice, it has considered each head of charge separately.

## Service and absence: 22 April 2025

3. Ms Morgan was neither present nor represented at the hearing. On behalf of the General Dental Council (GDC), Mr Stevens submitted that the notification of hearing had been served on her in accordance with the Rules and that the hearing should proceed in her absence.
4. The notification of hearing was sent by Special Delivery on 10 March 2025 to Ms Morgan at her registered address. Royal Mail ‘Track and Trace’ documentation records that it was delivered on 11 March 2025, signed for under name ‘MORGAN’. The Notice was also sent to her last known email address.
5. 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 the hearing; and that it had been served on Ms Morgan in accordance with Rule 65 by virtue of it being posted to her registered address. Proof of delivery is not necessary for service to be effected under the Rules. The Committee in any event has been provided with proof of delivery to the last known address.
6. The Committee next considered whether to proceed in the absence of Ms Morgan. This is a discretion which must be exercised with great care. The Committee was satisfied that the GDC had made all reasonable efforts to notify Ms Morgan of this hearing and that she could attend in person, via telephone or via video-link. The notification of hearing explained to her that the Committee had the power to proceed in her absence.
7. The Committee had sight of an email sent by Ms Morgan on 11 March 2025 where she states *“I will not be attending any hearings as previously stated.”*
8. There is no record before the Committee of any further contact from Ms Morgan after this date. There is no application from Ms Morgan for an adjournment.

9. There is nothing in the material before the Committee to suggest that an adjournment of the hearing would make Ms Morgan’s attendance any more likely in the future. The Committee determined to proceed rather than it being adjourned.
10. Having regard to all the circumstances, and the need for the expeditious disposal of the proceedings, the Committee was satisfied that it would be fair and in the public interest to proceed in her absence. The Committee drew no adverse inference against Ms Morgan from her absence.

### **Hearing in Private**

11. Mr Stevens made a preliminary application under Rule 53 of the GDC Rules to hold this hearing in private since some of the matters under consideration relate to Ms Morgan’s health. [IN PRIVATE].
12. The Committee is satisfied to hold the hearing in private in its entirety under Rule 53 of the General Dental Council (Fitness to Practise) Rules 2006 (the “Rules”). [IN PRIVATE]. The Committee shall announce its findings of fact publicly, except where Ms Morgan’s health is discussed.

### **Background and evidence**

13. A self-referral was received by the General Dental Council (GDC) from Ms Morgan on 1 June 2021, notifying of her conviction for drink driving. In particular, she attended Lincolnshire Magistrates’ court on 27 May 2021 where she was convicted of driving a motor vehicle with excess alcohol on 9 May 2021, contrary to s.5(1)a of the Road Traffic Act 1998 and Schedule 2 of the Road Traffic Offenders act 1988, namely 63 micrograms of alcohol in 100 millilitres of breath. Ms Morgan was disqualified from driving for 18 months and fined £323, a surcharge to fund victim services of £34 and £85 costs.
14. [IN PRIVATE].
15. [IN PRIVATE].
16. The matter went before a Health Committee in March 2024. However, that Committee was found to be inquorate and improperly constituted. That hearing was treated as an annuity and was re-listed to go before a newly constituted Health Committee for August 2024. [IN PRIVATE]. However, the matter was postponed as that Committee did not have sufficient time to conclude the hearing. It was re-listed for April 2025.
17. [IN PRIVATE]. It received a Police National Computer document (PNC) and also a signed memorandum of conviction certificate. The Committee also received the witness statement of Witness 2, GDC para legal, dated 29 October 2023, who was not required to give oral evidence by this Committee.
18. I will now announce the Committee’s findings in relation to each head of charge:

1.	<p><i>On 27 May 2021, you were convicted at Lincolnshire Magistrates Court of driving a motor vehicle on 9 May 2021, after consuming alcohol exceeding the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.</i></p> <p>The Committee accepted the memorandum of conviction dated 25 August 2021 from the Lincolnshire Magistrates Court. There is also a copy of the Police National Computer printout, confirming Ms Morgan’s conviction. Ms Morgan does not</p>
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	<p>dispute the fact of her conviction in correspondence to the GDC regarding these fitness to practise proceedings.</p> <p>The Committee is satisfied that there is clear and cogent evidence of Ms Morgans conviction of May 2921.</p> <p>It therefore finds this head of charge proved.</p>
2.	<p><i>You have an adverse health condition, as specified in Schedule A*</i> Proved.</p> <p>[IN PRIVATE]</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE].</p> <p>Accordingly, the Committee was satisfied on the balance of probabilities that Ms Morgan has an adverse health condition as specified by Schedule A. It therefore finds this head of charge proved.</p>

19. We move to Stage Two.

20. At this stage of the proceedings the Committee must consider whether Ms Morgan's fitness to practise as a dental nurse is currently impaired by reason of any or all of the following statutory grounds: (i) conviction and (ii) adverse health.

### Submissions

21. Mr Stevens, for the General Dental Council (GDC), confirmed that Ms Morgan has no other fitness to practise history.
22. [IN PRIVATE] He submitted that it is a matter for this Committee's judgement to determine whether there is a risk posed by Ms Morgan and whether a finding is required for impairment on the grounds of public protection and otherwise in the public interest.
23. Mr Stevens submitted that in respect of the conviction, the GDC is neutral on the ground of public protection. He submitted that there has been a significant lapse of time since this event took place, almost 4 years ago. There is no evidence of any other convictions. Mr Stevens submitted that it has the hallmarks of an isolated incident which has not been repeated. He submitted that the Committee should take note that the GDC only became aware of the conviction from a self-referral. Ms Morgan also provided some reflection on her behaviour which led to her conviction, and she has expressed remorse and reassured that such conduct would not be repeated.
24. Mr Stevens invited the Committee to make a finding of impairment in respect of Ms Morgan's conviction only on public interest grounds. He submitted that not to do so would undermine public confidence in the dental profession. It was a serious matter that went before the

criminal courts and was aggravated by the fact that not only did she place herself at risk whilst driving under the influence of alcohol above the prescribed limit, [IN PRIVATE].

25. In respect of sanction, Mr Stevens made no positive submissions. However, he submitted that it is for the Committee to take the least restrictive steps and that any sanction should be made only on public interest grounds. He submitted that taking all of this into account, the Committee may be minded to consider that the most appropriate and proportionate sanction is one of a reprimand.
26. The Committee accepted the advice of the Legal Adviser.
27. The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (1<sup>ST</sup> October 2016, last revision December 2020).

### Impairment

28. The Committee considered whether Ms Morgan's fitness to practise is currently impaired by reason of her conviction and/or adverse health. It had regard to the over-arching objective of the GDC, which is: the protection, promotion and maintenance of the health, safety and well-being of the public; the promotion and maintenance of public confidence in the dental profession; and the promotion and maintenance of proper professional standards and conduct for the members of the dental profession.

### Conviction

29. The Committee first considered whether Ms Morgan's fitness to practise is currently impaired by reason of her conviction. It noted that the GDC adopts a neutral position on this issue.
30. The Committee considers that not every conviction will automatically result in a finding of current impairment. The nature and seriousness of the conviction, and whether there is a repeated pattern of offending, are relevant factors in determining the question of current impairment on this statutory ground.
31. The Committee first considered public protection. It took into account the level of the seriousness of her conviction. Ms Morgan has been convicted of a single driving offence in a Magistrates court. The matter took place approximately four years ago and there has been no repeated incidents since. It noted that there was no actual harm, and the incident appears to be an isolated incident. Although her recent engagement with the GDC has been lacking, she promptly self-referred the matter to her regulatory body. It took into account Ms Morgan's written statement submitted to the GDC in 2022, in which she accepted her wrong-doing and expressed remorse. The Committee considered this demonstrated insight into her behaviour which led to her conviction. Ms Morgan set out her difficult circumstances at the time of her conviction. The Committee also took into account testimonials provided by colleagues confirming that she has been open, honest and remorseful about her conviction and appropriately sought support from her workplace. The Committee had no sight of evidence that demonstrates a pattern of behaviour and therefore concluded that the risk of recurrence is low. The Committee is therefore satisfied that Mr Morgan is not impaired in respect of public protection.
32. The Committee then considered the ground of public interest. The Committee considers that Ms Morgan put others at risk more [IN PRIVATE]. She was significantly over the alcohol limit when she was driving the car. It is satisfied that this was a serious offence. The Committee is satisfied that an informed member of the public knowing the facts of this case in respect of her conviction, although some 4 years ago, would be dismayed and shocked if no finding of current impairment is made in respect of her conviction. It is satisfied that the public would

lose confidence in the profession and the GDC as a regulator if a finding of impairment were not made in the circumstances of this case.

33. Accordingly, the Committee determined that Ms Morgan's fitness to practise is currently impaired by reason of her conviction on the grounds of public interest only.

#### **Adverse Health**

34. [IN PRIVATE].
35. [IN PRIVATE].
36. [IN PRIVATE].
37. [IN PRIVATE].
38. The Committee have concluded, taking into account all the evidence, that there is current impairment on public protection grounds. [IN PRIVATE].
39. The Committee also considers that in light of the above findings, a well-informed member of the public would be troubled if Ms Morgan was to practise unrestricted and therefore a finding of impairment is further required to maintain public confidence in the profession and to declare and uphold proper professional standards of conduct and behaviour.
40. Accordingly, the Committee determined that Ms Morgan's fitness to practise is currently impaired by reason of her adverse health on both grounds of public protection and public interest.

#### **Sanction**

41. Ms Morgan's fitness to practise is currently impaired by reason of her conviction and/or adverse health. The purpose of sanction is not to be punitive, although it may have that effect, but to protect the public and the wider public interest.
42. The Committee considered each sanction in ascending order of severity.
43. The Committee considered the mitigating and aggravating factors in this case.
44. The mitigating factors in this case.
- No fitness to practise history;
  - Evidence of good character;
  - Some evidence of insight and remorse in respect of her conviction;
  - Isolated in nature in respect of her conviction;
  - Lapse of time since the conviction.
45. The aggravating factors in this case include:
- Risk of harm to public due to behaviour leading to conviction.
  - Lack of engagement and compliance with her regulator;
46. The Committee noted that the GDC gave no positive submissions in respect of sanction but invited the Committee to consider whether it appropriate and proportion to impose a sanction no higher than one of a reprimand. However, the Committee, having carefully considered the guidance, and in particular paragraph 6.9, considers that to conclude this case with no further action or a reprimand would be wholly inappropriate, owing to the remaining risk identified in

respect of Ms Morgan's [IN PRIVATE], and the risk to patient safety should she be allowed to resume practice without restriction. The Committee considers that a lesser sanction would allow her to return to unrestricted practice, [IN PRIVATE]. The Committee considers that imposing a reprimand, would not sufficiently protect the public and maintain public confidence. The Committee considers that it would not address the level of risk posed by Ms Morgan, as it would allow the Registrant to return to practise unrestricted.

47. The Committee next considered whether to impose conditions on Ms Morgan's registration. It reminded itself that conditions must be workable, proportionate and measurable. Ms Morgan is not present at this hearing, and she has not engaged in the process in any meaningful way. The Committee could not be satisfied that conditions of practice could be formulated at this stage to be workable, measurable or proportionate, owing to Ms Morgan's non-attendance at the hearing and her limited engagement.

48. Therefore, the Committee decided that conditional registration would not be workable or appropriate. The concerns relating to her health are outstanding, and it has not received any information to suggest that she would comply with conditions, even if they could be formulated. It notes that she was previously given undertakings by the GDC but failed to comply with these. In all the circumstances, the Committee determined that conditions would not serve to protect the public or uphold the wider public interest.

49. The Committee considered whether to suspend Ms Morgan's registration for a specified period. In doing so it had regard to paragraph 6.28 of the Guidance which deals with suspension. That paragraph states;

*"Suspension is appropriate for more serious cases and may be appropriate when all or some of the following factors are present (this list is not exhaustive):*

...

...

*patients' interests would be insufficiently protected by a lesser sanction;*  
*public confidence in the profession would be insufficiently protected by a lesser sanction;*  
*there is no evidence of harmful deep-seated personality or professional attitudinal problems (which might make erasure the appropriate order)."*

50. The Committee considered that the factors specified above apply in this case. In addition, the Committee noted that Ms Morgan has no fitness to practise history before the GDC. Taking all these factors into account, the Committee was satisfied that a suspension order would be an appropriate and proportionate sanction.

51. In reaching its decision, the Committee did consider the sanction of erasure in so far as it related to adverse health and conviction. It had regard to paragraph 7.34 of the Guidance and noted that some of the factors for directing erasure were also present in this case. However, having considered the guidance, the Committee was of the view that suspension was more appropriate in the circumstances of this case.

52. The Committee has determined to suspend Ms Morgan's registration for a period of 12 months. It considered that a 12-month period would serve to protect the public and would satisfy the wider public interest. It also considered that this period would give Ms Morgan sufficient time to remediate fully [IN PRIVATE].

53. The Committee also directed that there be a review of Ms Morgan's case. This means that a Committee will review her case at a hearing to be held shortly before the end of the period of suspension. That Committee will consider what action to take in relation to her registration.

54. This Committee considered that the Committee reviewing Ms Morgan's case would be assisted by;
- Attendance at the next review HC hearing.
  - Reflective statement.

55. [IN PRIVATE].

56. Unless Ms Morgan exercises her right of appeal, the 12-month suspension order will take effect 28 days from the date when notice is deemed to have been served upon her.

57. The Committee now invites submissions from Mr Stevens, as to whether an immediate order of suspension should be imposed on Ms Morgan's registration to cover the 28-day appeal period, pending its substantive direction for suspension taking effect.

#### **Immediate order**

58. The Committee has considered whether to make an order for the immediate suspension of Ms Morgan's registration. Mr Stevens alerted the Committee to the relevant provisions and invited the Committee to consider whether to make an immediate order. The Committee has considered the submissions. It has accepted the advice of the Legal Adviser.
59. The Committee has had regard to its reasons for finding that Ms Morgan's fitness to practise is impaired, including its view that there remains a real risk of repetition, as well as its consideration that public confidence would be undermined if a finding of current impairment were not made. It has also had regard to its reasons for directing that her registration be suspended. In these circumstances, the Committee has concluded that not imposing an immediate order and allowing Ms Morgan to practise during the period before the substantive order takes effect would place the public at risk. It was also satisfied that it would be contrary to the public interest and inconsistent with its findings not to impose an immediate order to cover the appeal period or, if an appeal is lodged, until it has been disposed of.
60. The Committee has determined that it is necessary for the protection of the public, and is otherwise in the public interest that Ms Morgan's registration be suspended forthwith.
61. The effect of this direction is that Ms Morgan's registration will be suspended immediately. Unless she exercises her right of appeal, the substantive order of suspension will come into effect 28 days from the date on which notice of this decision is deemed to have been served on her. Should she exercise her right of appeal, this immediate order for suspension will remain in place until the resolution of any appeal.
62. That concludes the hearing of Ms Morgan's case.