

Hearing held in private**Summary**

Name:	FRASER, Mary Jane Mainland [Registration number:189286]
Type of case:	Health Committee (review)
Outcome:	Suspended indefinitely
Date:	11 July 2017

At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.

Ms Fraser was neither present nor represented. Mr Ahmed, on behalf of the General Dental Council (GDC), applied for the Committee to proceed with the hearing, notwithstanding her absence.

Service and the absence of the respondent

A notification of hearing dated 25 May 2017 was sent to Ms Fraser at her registered address by Special Delivery. Royal Mail 'Track and Trace' records that the item was delivered on 26 May 2017, signed for under the name 'J ROBERTSON'. The Committee was satisfied that the notification contained the required information under Rule 28 of the General Dental Council (Fitness to Practise) Rules 2006 (the "Rules"), including the time, date and venue of this hearing, and that it was served on Ms Fraser in accordance with the requirements of Rule 65.

By email sent to Ms Fraser on 25 May 2017, an electronic copy of the notification of hearing was also made available for her to download from a secure file sharing service.

The Committee next considered whether it was in the interests of justice to proceed in the absence of Ms Fraser. It reminded itself that the discretion to proceed in absence should be exercised with the utmost care and caution, and that while fairness to Ms Fraser was of prime importance, it also had to consider fairness to the GDC, the wider public interest and the duty to ensure the expeditious conduct of its regulatory function.

The Committee was satisfied that the GDC had made all reasonable efforts to notify Ms Fraser of this hearing and its purpose. There has been no engagement by Ms Fraser with the GDC for some 15 months since the hearing in April 2016, other than to indicate that she wished to apply for voluntary erasure. There was nothing to suggest that an adjournment would make Ms Fraser's attendance more likely in the foreseeable future. In all the circumstances, the Committee was satisfied that Ms Fraser had voluntarily absented herself and had waived her right to attend the hearing. The Committee was therefore satisfied that it would be fair and in the interests of justice to proceed, notwithstanding her absence.

Application for the hearing to be in private

Following an application from the GDC, the Committee determined that it was appropriate to conduct the hearing in private under Rule 53 of the Rules, as matters relate to health.

[IN PRIVATE]

Ms Fraser has not addressed the concerns identified by the previous Committees. There has been no meaningful engagement from her in some 15 months. Accordingly, the Committee finds that Ms Fraser's fitness to practise as a dental nurse continues to be impaired by reason of: (i) misconduct; and (ii) adverse physical or mental health. Her registration shall be suspended indefinitely.

That concludes the case today.