

HEARING HEARD IN PUBLIC**LI TAI LEONG, Dennis Nicholas****Registration No: 76249****PROFESSIONAL CONDUCT COMMITTEE****DECEMBER 2022****Outcome: Erased with Immediate Suspension**

LI TAI LEONG, Dennis Nicholas, a dentist, BDS Lond 1999, was summoned to appear before the Professional Conduct Committee on 7 December 2022 for an inquiry into the following charge:

Charge

“That being registered as a dentist Dennis Li Tai Leong’s (76249) fitness to practise is impaired by reason of conviction and/or misconduct, in that:

1. On 13 July 2021, you were convicted of Voyeurism in pursuant to Section 67(4) of the Sexual Offences Act 2003 at Stevenage Magistrates’ Court.
2. You failed to inform the General Dental Council immediately or at all that you were:
 - a. charged with Voyeurism pursuant to section 67(4) of the Sexual Offences Act 2003; and/or
 - b. convicted of Voyeurism pursuant to section 67(4) of the Sexual Offences Act 2003 at Stevenage Magistrates’ Court.”

Mr Li Tai Leong was not present and was not represented. On 7 December 2022, the Chairman made a statement regarding proof of service and announced the findings of fact to the Counsel for the GDC:

This is a Professional Conduct Committee hearing in respect of a charge brought against Mr Li Tai Leong by the General Dental Council (GDC). The hearing is being conducted remotely by Microsoft Teams video-link.

Mr Li Tai Leong is not present at the hearing, and he is not represented in his absence. The Case Presenter for the GDC is Ms Lucy Sweetland, Counsel.

PRELIMINARY MATTERS – 7 December 2022

At the outset of the proceedings, Ms Sweetland made an application under Rule 54 of the *GDC (Fitness to Practise) Rules Order of Council 2006* (‘the Rules’), to proceed with the hearing notwithstanding Mr Li Tai Leong’s absence. The Committee took account of Ms Sweetland’s submissions in respect of the application, and it considered the supporting documentation provided. The Committee accepted the advice of the Legal Adviser in relation to service and proceeding in the absence of Mr Li Tai Leong.

Decision on service

The Committee first considered whether notice of the hearing had been served on Mr Li Tai Leong in accordance with Rules 13 and 65. It had regard to the Notice of Hearing dated 7 October 2022 ('the notice'), which was sent to Mr Li Tai Leong's registered address by Special Delivery and by First Class post. The Committee also noted that a copy of the notice was sent to an alternative address for Mr Li Tai Leong, including by Special Delivery. This was after the GDC became aware that he might be residing at that alternative address.

The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. However, it had sight of Royal Mail 'Track and Trace' receipts, confirming that the notices sent to each of the addresses were delivered and that both were signed for with names associated with the registrant. The Committee also noted that a copy of the notice was sent to Mr Li Tai Leong by email on 7 October 2022.

In considering whether service had been effected in accordance with the relevant Rules, the Committee noted that there was a technical defect in the notice sent to Mr Li Tai Leong, in that it did not specify the time of this hearing as required by Rule 13(1)(a). The Committee was satisfied that all other required particulars were contained in the notice, including the date of the hearing, confirmation that it would be held remotely by video-link on Microsoft Teams, and that the Committee had the power to proceed with the hearing in Mr Li Tai Leong's absence. The Committee was also satisfied that the notice complied with the 28-day notice period required by the Rules.

With regard to the absence of a specified time, the Committee was informed of the steps taken by the GDC to remedy this defect. This involved attempts to contact Mr Li Tai Leong yesterday and again prior to the start of the hearing this morning. There was, however, no response from him. The Committee took into account that Mr Li Tai Leong did not respond to the copies of the notice posted to his registered and alternative address, and it considered that if he had wanted to request information from the GDC about the time of the hearing, he would have done so before today.

The Committee further took into account that in a letter dated 28 March 2022, a Legal Adviser at Dental Protection informed the GDC that she had been authorised by Mr Li Tai Leong to inform the GDC that *"he does not propose to engage with the Council's investigation and will not be providing a response for the Case Examiners. Furthermore, he does not anticipate that he would attend a hearing before the Professional Conduct Committee should the Case Examiners make such a referral"*. The Committee noted that there has been no information since to suggest any change to Mr Li Tai Leong's position.

Taking all of this information into account, including the indication that Mr Li Tai Leong had waived his right to attend this hearing in any event, the Committee decided that the technical defect in the notice was immaterial in the particular circumstances of this case. It was satisfied, despite the defect, that fair notice of this hearing had been served on Mr Li Tai Leong.

Decision on whether to proceed with the hearing in the absence of the registrant

The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Li Tai Leong. It approached this issue with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones* [2003] 1 AC 1HL, and as affirmed in the case of *General Medical Council v Adeogba* [2016] EWCA Civ 162. The Committee remained mindful that fairness to Mr Li Tai Leong was an important consideration, but it also bore in mind the need to be fair to the GDC and had regard to its duty to act expeditiously in the public interest.

The Committee considered it clear from the letter of 28 March 2022, which was sent to the GDC on Mr Li Tai Leong's behalf by Dental Protection, that Mr Li Tai Leong did not wish to engage with any of the GDC's fitness to practise processes. There has been no information since to indicate that this is no longer the case. Mr Li Tai Leong did not request an adjournment of this hearing, and on the basis of the evidence before it, the Committee concluded that an adjournment would serve no useful purpose. It received no information to suggest that adjourning these proceedings today would secure Mr Li Tai Leong's attendance on a future date.

The Committee further took into account the seriousness of the allegations against Mr Li Tai Leong, as well as the length of time that the matters in this case have been ongoing.

In all the circumstances, the Committee was satisfied that it was fair and in the public interest to proceed with the hearing in the absence of Mr Li Tai Leong.

FINDINGS OF FACT – 7 DECEMBER 2022

In her opening submissions, Ms Sweetland set out the background to the charge against Mr Li Tai Leong. The Committee heard that the matters in this case came to the attention of the GDC in February 2019, when it received written complaints from two members of staff at a dental practice ('the Practice') where Mr Li Tai Leong was the practice principal.

The complainants informed the GDC that what was described as a 'spy camera' had been discovered in a staff toilet at the Practice. The toilet was said to be used by both female and male members of staff. The complainants explained that they had looked at the files contained on the spy camera, and that it included evidence of Mr Li Tai Leong placing it in the staff toilet. The complainants confirmed that the matter had also been reported to the police.

In light of this information, the GDC commenced an investigation into Mr Li Tai Leong's fitness to practice but had to await the outcome of the police investigation before it could conclude its processes.

It was in June 2021 that the GDC learned that Mr Li Tai Leong had been charged with the criminal offence of Voyeurism. In July 2021, he was convicted of that offence following a guilty plea. The matter of Mr Li Tai Leong's conviction forms the basis of the first allegation included in the charge for this hearing.

The second allegation set out in the charge relates to Mr Li Tai Leong's alleged failure to inform the GDC that he had been charged with a criminal offence and of his subsequent conviction.

Evidence

The Committee received documentary evidence from the GDC which included a witness statement dated 29 July 2022, from Witness 1, a Caseworker in the GDC's Fitness to Practise Team. Witness 1 set out in her witness statement a chronology of the GDC's investigation into the matters concerning Mr Li Tai Leong and she provided a number of associated exhibits. These exhibits included copies of documents received by the GDC from the police, as well as a copy of the Memorandum of Conviction in respect of Mr Li Tai Leong.

The Committee was asked whether it also wished to hear oral evidence from Witness 1. However, it was satisfied that it had no questions for her that would take matters beyond her written evidence and the documentation she had exhibited. The Committee took into account that the GDC's evidence in this case had been provided to Mr Li Tai Leong, and that there had been no challenge from him to that evidence.

Further, as part of its evidence, the GDC provided the Committee with a copy of its publication '*Standards for the Dental Team*' (Effective from September 2013) ('the GDC Standards') and a copy of the GDC's '*Guidance on reporting criminal proceedings*' (Effective from 30 September 2013).

The Committee's findings

The Committee considered all the evidence presented to it. It took account of the submissions made by Ms Sweetland on behalf of the GDC. The Committee accepted the advice of the Legal Adviser.

The Committee considered each head of charge separately, bearing in mind that the burden of proof rests with the GDC, and that the standard of proof is the civil standard, that is, whether the alleged facts are proved on the balance of probabilities.

The Committee's findings are as follows:

1.	<p><i>On 13 July 2021, you were convicted of Voyeurism in pursuant to Section 67(4) of the Sexual Offences Act 2003 at Stevenage Magistrates' Court.</i></p> <p>Found proved.</p> <p>The Committee had regard to Rule 57(5) of the Rules, which states that:</p> <p><i>"Where a respondent has been convicted of a criminal offence—</i></p> <p><i>(a) a copy of the certificate of conviction, certified by a competent officer of a court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and</i></p> <p><i>(b) the findings of fact upon which the conviction is based shall</i></p>
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	<p><i>be admissible as proof of those facts.”</i></p> <p>A copy of the Memorandum of Conviction containing the date and details of Mr Li Tai Leong’s criminal offence was put before the Committee, but it was not a signed copy. However, the Committee was provided with an email from an officer of the court to the GDC dated 19 May 2022, in which it was confirmed that <i>“The court does not stamp extracts or get them signed anymore”</i></p> <p>The Committee accepted the evidence that the court no longer signs Memoranda of Convictions. It was satisfied that the unsigned Memorandum of Conviction in respect of Mr Li Tai Leong was the best evidence available of his conviction of Voyeurism on 13 July 2021 at Stevenage Magistrates’ Court.</p> <p>Accordingly, the Committee found this head of charge proved.</p>
2.	<p><i>You failed to inform the General Dental Council immediately or at all that you were:</i></p>
2.a	<p><i>charged with Voyeurism pursuant to section 67(4) of the Sexual Offences Act 2003; and/or</i></p> <p>Found proved.</p>
2.b	<p><i>convicted of Voyeurism pursuant to section 67(4) of the Sexual Offences Act 2003 at Stevenage Magistrates’ Court.”</i></p> <p>Found proved.</p> <p>The Committee considered heads of charge 2a and 2b separately, and it reached the same finding in respect of each allegation for the same reasons.</p> <p>In finding both heads of charge 2a and 2b proved, the Committee was satisfied that there was a duty on Mr Li Tai Leong to immediately inform the GDC when he was charged with the criminal offence of Voyeurism, and when he was convicted of the offence.</p> <p>The Committee considered that this duty is clearly set out in the relevant GDC Standards. Standard 9.3.1 states that <i>“You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information.”</i></p> <p>The GDC’s supplementary guidance, ‘Guidance on reporting criminal proceedings’ states that:</p> <p><i>“This guidance comes into force on 30 September 2013. If, on or after 30 September 2013, you are charged with a criminal offence or subject to any criminal proceedings you must adhere to this guidance. The Rehabilitation of Offenders Act 1974 does not apply. You must inform the GDC if anywhere in the world you:</i></p> <ul style="list-style-type: none"> <i>a. are charged with a criminal offence;</i> <i>b. are found guilty of a criminal offence;</i>

	<p>...”</p> <p>The evidence indicates that Mr Li Tai Leong was charged with the offence of Voyeurism in June 2021. The Committee had sight of the police ‘<i>Notice of Charge</i>’ document dated 17 June 2021 and addressed to Mr Li Tai Leong. It was satisfied that he would have received this document shortly after that date.</p> <p>The Committee was also satisfied from the Memorandum of Conviction that Mr Li Tai Leong was convicted of Voyeurism on 13 July 2021 at Stevenage Magistrates’ Court following a guilty plea.</p> <p>Having been satisfied that there was a duty on Mr Li Tai Leong to immediately inform the GDC of the criminal matters against him, and having noted the relevant dates in relation to his charge and conviction, the Committee had regard to the evidence of Witness 1, a GDC Caseworker. In her witness statement, she stated that “<i>Between May 2021 and July 2021, there was no contact from the Registrant or his legal representative to inform the GDC of the charge and/or guilty plea</i>”. The Committee accepted Witness 1’s evidence. It had no reason to doubt her account, and it noted that her evidence in this case has not been challenged.</p> <p>The Committee was satisfied on the basis of the evidence that Mr Li Tai Leong did not inform the GDC immediately or at all of the matters at heads of charge 2a and 2b. It noted that the information that was eventually received by the GDC was provided following its requests to the police for information. This head of charge is therefore found proved.</p>
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We move to Stage Two.”

On 9 December 2022, the Chairman announced the determination as follows:

“This is a Professional Conduct Committee hearing of Mr Li Tai Leong’s case. The hearing is being conducted remotely by Microsoft Teams video-link.

Mr Li Tai Leong is neither present nor represented at the hearing. The Case Presenter for the General Dental Council (GDC) is Ms Lucy Sweetland, Counsel.

The facts found proved

At the first stage of the hearing, the fact-finding stage, the Committee found proved the fact of Mr Li Tai Leong’s conviction. On 13 July 2021, following a guilty plea, he was convicted of Voyeurism, pursuant to Section 67(4) of the Sexual Offences Act 2003 at Stevenage Magistrates’ Court.

Mr Li Tai Leong was sentenced on 20 September 2021. He received a 12-week prison sentence, suspended for 18 months, and was required to register with the police in accordance with the Sexual Offences Act 2003 from 20 September 2021 for 7 years.

The Committee also found proved that Mr Li Tai Leong failed to inform the GDC immediately or at all that he was charged with the criminal offence of Voyeurism and of his subsequent conviction of the offence. The Committee was satisfied that the GDC's regulatory standards, and its supplementary standards guidance, imposed a clear duty on Mr Li Tai Leong to inform his regulatory body of the criminal proceedings against him.

This second stage of the hearing

The overriding allegation against Mr Li Tai Leong is one of impaired fitness to practise by reason of conviction and/or misconduct. Accordingly, the Committee's task at this second stage of the hearing has been to consider whether his fitness to practise as a dentist is currently impaired on one or both statutory grounds. The Committee noted that if it found current impairment on either or both grounds, it would need to consider the issue of sanction.

In reaching its decisions, the Committee considered all the evidence presented to it at the fact-finding stage and at this second stage. The evidence received by the Committee at this stage was a document bundle provided by the GDC, which included the *'Magistrates Sentencing Guideline on Voyeurism'* and the H&M Prison and Probation Service Pre-sentence Report prepared in respect of Mr Li Tai Leong, dated 20 September 2021.

The Committee took account of the submissions made by Ms Sweetland in relation to misconduct, impairment, and sanction. The Committee accepted the advice of the Legal Adviser. It noted that there is no burden or standard of proof at this stage of the proceedings, and that its decisions were for its independent judgement.

Summary of the submissions made by the GDC

It was the position of the GDC that Mr Li Tai Leong's fitness to practise is currently impaired by reason of his conviction and by reason of misconduct.

Ms Sweetland highlighted that Mr Li Tai Leong's conviction was a statutory ground of potential impairment in its own right. In relation to the Committee's findings that he failed to inform the GDC immediately or at all about his criminal charge for Voyeurism and his conviction, it was Ms Sweetland's submission that those facts found proved amounted to misconduct.

Ms Sweetland stated that misconduct is often described as involving acts or omissions which fall short of what was proper in the circumstances. She submitted that in considering the issue of misconduct, reference is usually made to relevant professional standards. In this case, she invited the Committee to consider the GDC's *'Standards for the Dental Team'* (Effective from September 2013) ('the GDC Standards'), and in particular, Standard 9.3, and Standard 9.4. Ms Sweetland submitted that the Committee may consider that Mr Li Tai Leong's failure to adhere to these GDC Standards has been compounded by his ongoing lack of engagement with the fitness to practise process.

With regard to impairment, it was Ms Sweetland's submission that a finding of current impairment was necessary for the protection of the public and was in the wider public interest. She submitted that Mr Li Tai Leong committed a

serious criminal offence which involved conduct undertaken in the workplace and for his own sexual gratification. The information provided in respect of the police investigation indicates that he had placed cameras in staff toilets at two practices where he worked, and the police retrieved recorded images from both devices.

Ms Sweetland submitted that Mr Li Tai Leong's actions violated the trust and privacy of staff members. Further, that his behaviour persisted over a number of months, across two dental practices, and therefore could not be categorised as an isolated incident. Ms Sweetland submitted that the Committee's duty to protect the public included the protection of staff members and colleagues, and not only patients. However, she highlighted the potential for such behaviour to have extended to patients in the circumstances of this case.

Notwithstanding this, Ms Sweetland told the Committee that the weight of her submissions was in relation to the wider public interest. She submitted that Mr Li Tai Leong's conduct undoubtedly brought the dental profession into disrepute. She stated that his behaviour deviated far from the professional standards expected of him, including the Core Principle at Standard 9, which states *"Make sure your personal behaviour maintains patients' confidence in you and the dental profession"*.

Ms Sweetland asked the Committee, in reaching its decisions in this case, to take into account the evidence of real harm caused to the complainants, as recounted in their witness statements given to the police. She also asked the Committee to have regard to the absence of any evidence of remediation by Mr Li Tai Leong, and the very limited evidence of his insight. Ms Sweetland acknowledged that he pleaded guilty to the offence but stated that the Committee may consider that this was because of the overwhelming evidence against him. She also noted that the Probation Service pre-sentencing report referred to Mr Li Tai Leong speaking about the impact of his offending on the victims. It was Ms Sweetland's submission, however, that in terms of the risk of repetition, for the purpose of this Committee's assessment, there was very little evidence before it. She reminded the Committee that the Probation Service was not concerned with the public interest factors that this Committee was required to consider.

On behalf of the GDC, Ms Sweetland submitted that the appropriate sanction in this case was that of erasure. She stated that this was because there was evidence in this case of deep-seated personality and attitudinal problems, given the planned and sustained nature of Mr Li Tai Leong's criminal offence, which was for his sexual gratification. She again highlighted that the offence involved violation of the trust and privacy of others at their place of work, where he held a senior position. Ms Sweetland submitted that this was behaviour so damaging to Mr Li Tai Leong's fitness to practise and to public confidence in the dental profession that removal of his professional status was the only appropriate outcome.

Decision on misconduct

The Committee first considered its findings that Mr Li Tai Leong failed to inform the GDC of his charge and conviction, and whether this amounted to misconduct. The Committee bore in mind that a finding of misconduct within the

regulatory context requires a serious falling short of the professional standards expected of a registered dental professional.

The Committee had regard to the GDC Standards, in particular Core Principle 9, which requires registrants to “*Make sure your personal behaviour maintains patients’ confidence in you and the dental profession*”. The Committee also considered the following individual standards to be engaged in this case:

9.3 Inform the GDC if you are subject to criminal proceedings or a regulatory finding is made against you anywhere in the world.

9.3.1 You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information.

The Committee was satisfied that, by not disclosing his charge and conviction to the GDC, Mr Li Tai Leong failed to follow these standards, and the supplementary guidance on reporting criminal proceedings. It considered that he must have known that he was required to report matters of such gravity to his regulatory body, particularly as he would have been aware that the GDC had commenced an investigation into his fitness to practise following the initial complaints made in February 2019. However, he did not inform the GDC about the criminal matters at all.

The Committee was in no doubt that Mr Li Tai Leong’s failings in this regard was conduct that fell far short of what was expected of him in the circumstances. It was therefore satisfied that the threshold for a finding of misconduct on the relevant facts was met.

Decisions on impairment

The Committee next considered whether Mr Li Tai Leong’s fitness to practise is currently impaired by reason of his conviction and/or his misconduct. In reaching its decisions, the Committee bore in mind 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.

Decision on impairment by reason of conviction

The offence of which Mr Li Tai Leong was convicted was serious. It involved serious sexual misconduct and related to behaviour undertaken in the workplace. The Committee took into account the impact of Mr Li Tai Leong’s conduct on the complainants involved, one of whom stated in her police witness statement that “*I am shaking and agitated by what has happened and panicking me, it has completely violated my privacy...*”. Mr Li Tai Leong’s actions were an abuse of trust, and they violated the privacy of his colleagues. It was an offence that was clearly regarded seriously by the court, resulting in a custodial sentence being imposed, albeit suspended.

The Committee took into account the comments made in the Probation Service pre-sentencing report regarding the possibility of corrective steps, and the low risk of repetition. However, it considered that the type of behaviour that led to

Mr Li Tai Leong's criminal offence is behaviour that is difficult to remedy. The evidence indicates that this was not an isolated error of judgement on his part but conduct that was planned and sustained over a period of months, and at two different locations.

In any event, the Committee received no evidence at this hearing to suggest that Mr Li Tai Leong has undertaken any remediation to address the issues underpinning his conviction. There is also very limited evidence in relation to his insight into his criminal offence. The Committee noted that he pleaded guilty but also took into account that there was overwhelming evidence against him. Further, whilst it was stated in the Probation Service pre-sentencing report that he expressed remorse and acknowledged that his offending behaviour had a significant impact on his victims, the Committee found that much of what he said focused on his own feelings and his personal circumstances.

The Committee noted that Mr Li Tai Leong spoke to the Probation Service about various stressors, including pressure at work. Mr Li Tai Leong has not attended this hearing to provide any explanation for his behaviour or to appraise the Committee of any corrective steps that he has taken to prevent a recurrence. It has been four years since the matters in this case were first brought to the attention of the GDC, and Mr Li Tai Leong has chosen not to engage with its fitness to practise processes.

In the absence of any evidence of remediation and the limited evidence of insight, the Committee considered that there would be a risk of repetition if Mr Li Tai Leong was permitted to remain in unrestricted practice as a dentist. The evidence before the Committee is that actual harm was caused to his colleagues in terms of the serious impact of his behaviour on them. Furthermore, whilst there has been no evidence of any harm to patients in this case, the Committee noted that in her written complaint to the GDC in February 2019, one of the complainants stated that the toilet in the Practice where the camera was found was "*mainly used by staff but patients are also able to use this*".

In view of the actual harm caused to members of staff and the potential for harm to patients and other visitors to the Practice, the Committee considered there to be a serious public protection issue arising from the behaviour that led to Mr Li Tai Leong's conviction. It determined that a finding of impairment is necessary for the protection of the public.

The Committee was in no doubt that the wider public interest is also engaged. It considered that, even if there had been evidence of remediation and evidence of an increased level of insight, a finding of impairment would still be required in this case, to promote and maintain public confidence in the dental profession and to uphold proper professional standards.

Mr Li Tai Leong's offending behaviour has brought the dental profession into disrepute. He abused the position of trust that he had as a senior member of staff at the Practice by violating the privacy of others. In doing so, he breached Core Principle 9 of the profession which states "*Make sure your personal behaviour maintains patients' confidence in you and the dental profession*". Members of the public would not expect a registered dental professional to behave as he did, and the Committee considered that public confidence in the

profession would be seriously undermined if a finding of impairment were not made in all the circumstances.

Accordingly, the Committee determined that Mr Li Tai Leong's fitness to practise is currently impaired by reason of his conviction.

Decision on impairment by reason of misconduct

The Committee found that Mr Li Tai Leong failed in his duty to inform the GDC about his criminal charge and conviction of Voyeurism. It received clear evidence that he did not contact his regulatory body at all in respect of either matter. The information eventually obtained by the GDC was following its requests to the police.

There is no evidence before the Committee at this hearing to suggest that Mr Li Tai Leong has shown any understanding of the seriousness of his failure to inform the GDC of the criminal matters against him. Accordingly, the Committee concluded that there is a risk of repetition in relation to Mr Li Tai Leong's misconduct. Indeed, it noted that his failure to engage meaningfully with his regulatory body is ongoing.

The Committee considered the issue of public protection to be engaged in relation to the misconduct matters, given the serious nature of Mr Li Tai Leong's conviction. In its view, his failure to immediately report such a grave offence had the potential to undermine the GDC's ability to put in place any steps that may have been necessary for the protection of the public whilst its investigation was ongoing. It was therefore satisfied that a finding of impairment is necessary to protect the public from the identified risk of repetition.

The Committee was also satisfied that a finding of impairment is in the wider public interest. It considered that a reasonable member of the public would expect a registered dental professional to adhere to the Core Principles of their profession, including the clear obligation to inform their regulator if they have broken the law.

In all the circumstances, the Committee determined that Mr Li Tai Leong's fitness to practise is currently impaired by reason of his misconduct.

Decision on sanction

The Committee considered what sanction, if any, to impose on Mr Li Tai Leong's registration. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect patients and the wider public interest. In reaching its decision, the Committee had regard to the GDC's '*Guidance for the Practice Committees including Indicative Sanctions Guidance*' (Effective from October 2016; last revised in December 2020) ('the Guidance'). It applied the principle of proportionality, balancing the public interest with Mr Li Tai Leong's interests.

In deciding on the appropriate sanction, the Committee first considered the issue of mitigating and aggravating factors.

It identified the following aggravating features in this case:

- there was actual harm to colleagues and the potential for harm to patients and other visitors to the Practice;
- the offending behaviour was premeditated and took place at two locations;
- the criminal offence involved a breach of trust;
- both the offending behaviour and the misconduct were sustained and repeated over a period of time;
- the misconduct represented a blatant disregard for the role of the GDC and the systems regulating the dental profession;
- there is evidence of attempts to cover up the wrongdoing. The Committee noted the information that Mr Li Tai Leong deleted some of the video files, which could then not be accessed by the police;
- non-engagement and very limited insight.

In considering the issue of mitigation, the Committee acknowledged the information regarding various personal stressors affecting Mr Li Tai Leong at the material time. However, because of the serious, sustained and premeditated nature of his offence, the Committee could not regard these stressors as being significant mitigation.

The Committee did take into account other matters in mitigation including:

- that there was no evidence of previous convictions;
- there was no information suggesting previous fitness to practise history before the GDC;
- there were some comments of remorse in the Probation pre-sentencing report.

Taking all these factors into account, the Committee considered that the aggravating factors far outweighed the mitigating factors.

The Committee considered the available sanctions, starting with the least restrictive, as it is required to do.

The Committee first considered whether to conclude this case without taking any action in relation to Mr Li Tai Leong's registration. It decided, however, that such a course would be wholly inappropriate given the seriousness of its findings and the ongoing risks that have been identified. Taking no action would not serve to protect the public, nor would it satisfy the wider public interest.

The Committee considered whether to issue Mr Li Tai Leong with a reprimand. Similarly, it concluded that a reprimand would be insufficient to protect the public and the wider public interest. A reprimand is the lowest sanction which can be applied, and it would not impose any restriction on Mr Li Tai Leong's practice. A reprimand is usually considered to be appropriate where the misconduct is at the lower end of the spectrum and there is no identified risk to patients or the public. This is not such a case.

The Committee next considered whether to impose an order of conditions on Mr Li Tai Leong's registration. However, it decided that it could not formulate any workable or meaningful conditions that would address the serious matters

of his conviction and his misconduct. The Committee also took into account that Mr Li Tai Leong has not engaged with this process, and so there has been no indication that he would be willing to comply with conditions even if they could be imposed. In the circumstances, the Committee concluded that conditional registration would not be appropriate or sufficient to protect the public and the wider public interest.

The Committee went on to consider whether to suspend Mr Li Tai Leong's registration for a specified period. In doing so, it had regard to the Guidance at paragraph 6.28, which outlines factors to be considered when deciding whether the sanction of suspension in more serious cases may be appropriate. The Committee considered that the following factors applied in this case, namely that:

- there is evidence of repetition of the behaviour, in respect of both Mr Li Tai Leong's conviction and his misconduct;
- Mr Li Tai Leong has not shown sufficient insight and he poses a significant risk of repeating his behaviour;
- patients' interests would be insufficiently protected by a lesser sanction; and
- public confidence in the profession would be insufficiently protected by a lesser sanction.

However, the Committee considered that there is also evidence in this case of harmful deep-seated personality and attitudinal problems which, as stated in paragraph 6.28, *"might make erasure the appropriate order"*.

In these circumstances the Committee considered paragraph 6.34 which deals with the sanction of erasure. The Committee noted that all but one of the factors for erasure are present in this case, namely:

- serious departure(s) from the relevant professional standards;
- serious harm to colleagues has occurred;
- a continuing risk of serious harm to patients or other persons is identified;
- there has been an abuse of a position of trust and violation of the rights of colleagues;
- there is a conviction of a sexual nature; and
- there is a persistent lack of insight into the seriousness of actions or their consequences.

The Committee also had regard to paragraphs 73 to 75 of the Guidance in relation to sexual misconduct. Paragraph 74 states *"Sexual misconduct seriously undermines public confidence in the profession. The misconduct should be viewed as even more serious if:*

- a) there is an abuse of a position of trust and/or*
- b) the Registrant has been required to register as a sex offender."*

The Committee noted that both of these factors are engaged in this case.

The Committee also noted that paragraph 75 of the Guidance states *“In cases of serious sexual misconduct, the PCC may reasonably determine that there is a real prospect of current impairment and that erasure might be the appropriate sanction”*.

It was the judgement of the Committee, having considered the serious nature and circumstances of Mr Li Tai Leong’s conviction, and his serious failure to inform his regulator of the criminal matters, that the suspension of his registration would not be sufficient. Whilst the Committee took into account that a period of suspension would protect the public, it considered that a suspension order, even for the maximum period, would not satisfy the wider public interest.

The Committee therefore determined that the only appropriate and proportionate sanction in the circumstances of this case was that of erasure.

In reaching its decision, the Committee had regard to the potential consequences for Mr Li Tai Leong of the removal of his name from the Register. However, it was satisfied that the need to protect the public interest outweighed his own interests.

Unless Mr Li Tai Leong exercises his right of appeal, his name will be erased from the Register 28 days from the date when notice of this Committee’s direction is deemed to have been served upon him.

The Committee now invites submissions from Ms Sweetland as to whether an immediate order of suspension should be imposed on Mr Li Tai Leong’s registration to cover the 28-day appeal period, pending its substantive determination for erasure taking effect.”

“The Committee has made a substantive direction in this case and therefore the interim order currently in place on Mr Li Tai Leong’s registration is hereby revoked.

In reaching its decision on whether to impose an immediate order of suspension on Mr Li Tai Leong’s registration until the substantive direction for erasure takes effect, the Committee took account of the submission made by Ms Sweetland that such an order should be imposed. The Committee accepted the advice of the Legal Adviser.

The Committee determined that it is necessary for the protection of the public, and is otherwise in the public interest, to impose an immediate order of suspension on Mr Li Tai Leong’s registration. The Committee has identified an ongoing risk to the public on account of the serious nature of his conviction, the absence of any evidence of remediation and the very limited evidence of his insight. In the circumstances, the Committee considered that it would be inappropriate and inconsistent to allow him the opportunity to remain in unrestricted practice over the 28-day appeal period, or possibly longer, in the event of an appeal. An immediate order is therefore necessary for the protection of the public.

The Committee also considered that the imposition of an immediate order is in the wider public interest. It determined that Mr Li Tai Leong's behaviour, as highlighted in this case, is fundamentally incompatible with continued GDC registration. The Committee considered that public confidence in the dental profession and this regulatory process would be seriously undermined in the absence of an order suspending Mr Li Tai Leong's registration immediately.

The effect of the foregoing substantive determination and this order is that Mr Li Tai Leong's registration will be suspended to cover the appeal period. Unless he exercises his right of appeal, the substantive direction for erasure will take effect 28 days from the date of deemed service.

Should Mr Li Tai Leong exercise his right of appeal, this immediate order will remain in place until the resolution of the appeal.

That concludes this determination."