

PUBLIC HEARING

Professional Conduct Committee Initial Hearing

27 & 29 August 2025

Name: Thomas, Sophie

Registration number: 307763

Case number: CAS-209491-F5X3T5

General Dental Council: Mr Sam Thomas, Counsel
Instructed by Rosie Geddes, IHLPS

Registrant: Not Present or represented

Fitness to practise: Impaired by reason of misconduct

Outcome: Suspension (with a review)

Duration: Six months

Committee members: Susan Stevens (Chair and Dentist member)
Joanne Brindley (Dental Care Professional member)
Amit Jinabhai (Lay member)

Legal adviser: Paul Kilcoyne

Committee Secretary: Jenny Hazell

1. This is a Professional Conduct Committee hearing in respect of a case brought against Miss Thomas by the General Dental Council (GDC).
2. The hearing is being conducted remotely by Microsoft Teams video-link.
3. Miss Thomas is neither present nor represented at the hearing. Mr Thomas, Counsel, appears on behalf of the GDC.

Application to proceed with the hearing in the absence of the registrant

4. At the outset, Mr Thomas made an application pursuant to Rule 54 of the GDC (Fitness to Practise) Rules Order of Council 2006 ('the Rules'), that the hearing should proceed in the absence of Miss Thomas.
5. The Committee took account of Mr Thomas' submissions in respect of the application, as set out in his statement of facts for the council document dated 26 August 2025. It also had regard to the information contained in the GDC's Hearing bundle. The Committee has accepted the advice of the Legal Adviser on the issues of service and proceeding in the absence of a registrant.

Decision on service

6. The Committee first considered whether the Notice of Hearing (the Notice) had been served on Miss Thomas in accordance with Rules 13 and 65 and Section 50A(2) of the Dentists Act 1984 (as amended) ('the Act').
7. The Committee received a bundle of documents from the GDC which contained a copy of the Notice of Hearing dated 7 July 2025 ('the notice'). The notice was sent to Miss Thomas' registered address by Special Delivery on 7 July 2025. The Committee was satisfied that the address shown on the Notice is the same address as that shown in the bundle as being Miss Thomas' registered address with the GDC. The Royal Mail 'Track and Trace' receipt confirmed that the Notice was delivered to Miss Thomas' registered address and was signed for on 8 July 2025 in the name of 'Thomas'.
8. In light of the information before it, the Committee was satisfied that the Notice sent to Miss Thomas on 7 July 2025 complied with the 28-day notice period required by the Rules. Further, the Notice contained all the required particulars, including the date and time of the hearing, confirmation that it would be held remotely by Microsoft Teams, and that the Committee had the power to proceed with the hearing in the absence of Miss Thomas.
9. In addition, the Committee noted that the Notice was emailed to Miss Thomas' registered email address on 7 July 2025 and was downloaded on the following day.
10. On the basis of all the information provided, the Committee was satisfied that the Notice had been served on Miss Thomas in accordance with the Rules and the Act.

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

11. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Miss Thomas. It 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 applied in the disciplinary context in the case of the General Medical Council v Adeogba [2016] EWCA Civ 162.

12. The Committee bore in mind the need to be fair to Miss Thomas as well as the GDC and the public interest in the expeditious disposal of this case.

13. The Committee was satisfied that all reasonable efforts had been made by the GDC to notify Miss Thomas of this hearing. The Notice was delivered to Miss Thomas' registered address on 8 July 2025. She was asked to notify the GDC whether she would be attending the hearing by 21 July 2025. On 29 July 2025 the GDC sent a further email to Miss Thomas, asking if she would attend the hearing. Miss Thomas responded to that email on 8 August 2025 in which she stated: "I'm no longer under the GDC and won't be attending."

14. In light of Miss Thomas' email dated 8 August 2025, the Committee has concluded that Miss Thomas has chosen not to attend the hearing. The Committee has noted that she has not requested an adjournment of the hearing and in any event, it has concluded that an adjournment is unlikely to secure Miss Thomas' attendance at a later date.

15. The Committee considers that the allegations in this case are serious and that there is a public interest for the hearing to proceed. Accordingly, the Committee has determined that it was fair and in the public interest to proceed with the hearing in the absence of Miss Thomas.

The allegations against Miss Thomas

16. The allegations against Miss Thomas were originally as follows:

That being registered as a dental care professional:

1. On 23 May 2023, you were convicted at the Magistrates' Court of Torremolinos of an alleged offence against traffic safety.

2. You failed to immediately, prior to 31 October 2023, inform the General Dental Council that on 23 May 2023 you were convicted of driving a mechanically propelled vehicle while unfit through drink or drugs under the Road Traffic Act 1988, S.4(1).

3. Your actions in relation to allegation 2 were:

a) Misleading; and / or

b) Dishonest in that you sought to hide the conviction from the General Dental Council, and did not make the declaration until after the conviction appeared on a Disclosure and Barring Service check.

AND that by reason of the facts alleged, your fitness to practise is impaired by reason of misconduct and conviction.

Evidence

17. The factual evidence provided by the GDC comprised solely of the witness statement dated 17 February 2025 of a GDC Caseworker within the Fitness to Practise Department of the GDC (the Caseworker) as well as copies of their exhibits. This included an email dated 31 October 2023 from Miss Thomas to the GDC in which she stated:

"I am writing to inform you of the conviction I was charged with on the 23rd of May 2023. In Benalmadena, Malaga I was charged with the conviction of driving under the influence of alcohol. I was fined €1240 and banned for 8months of driving in Spain. This does NOT apply to my driving license in the UK.

I am informing you of this now, as I have had a DBS through work and it has flagged up on the 27th of October. I was told in Spain by my solicitor that this would not be on my UK records. However as soon as I received the DBS I contacted my PM [Practice Manager] and am now informing you.”

18. Prior to Miss Thomas sending this email, she telephoned the GDC on 31 October 2023 to provide a background to the conviction in May 2023. The telephone note from FTP Casework Team 1 to GDC Fitness to Practise (exhibited by the Caseworker) records a number of points raised during the telephone call, including that the incident occurred in May 2023, however the conviction was passed in June 2023; the registrant was not aware of the level of alcohol measured by the breathalyser test; that she was told that the conviction would not show on any UK records because the offence was committed outside the UK; given this and the fact that the ban did not impact her status as a UK driver, she thought there was no need to report this to the GDC at the time; the DBS check came back on 27 October 2023 which showed the above conviction. This check was carried out by the practice where she works prior to an inspection. The DBS search result was sent to Miss Thomas on Friday 27 October 2023. Miss Thomas informed the Practice Manager (PM) on the morning of Monday 30 October 2023. The PM called to notify the GDC yesterday on Miss Thomas’s behalf and they were advised that Miss Thomas should report the matter directly to the GDC. Miss Thomas therefore called today.”

19. Following a request by the GDC for further information, on 2 November 2023 Miss Thomas provided the GDC with a copy of the Spanish conviction document about the incident she was involved in on 23 May 2023. She also provided a copy of a character reference as well as a copy of the Disclosure & Barring Service (DBS) document. The GDC obtained an English translation of the Spanish conviction document. The GDC also obtained a copy of the Police National Computer (PNC) check on 21 November 2023.

Application by the GDC to amend the charge

20. During the course of its deliberations on the facts, the Committee invited submissions in open session from Mr Thomas regarding a proposed amendment to charge 2. This was in view of the fact that the Committee, having deliberated in private on the facts, considered that the current wording of charge 2 relates to a driving offence under the Road Traffic Act, which is UK legislation, whereas Miss Thomas was convicted of a driving offence at the Examining Magistrates’ Court of Torremolinos in Spain. The Committee also raised whether the offence set out in charge 1 would be a criminal offence in the UK given that the level of alcohol consumed by Miss Thomas was not known.

21. Mr Thomas proposed amending charge 2 to read as follows: *“You failed to immediately, prior to 31 October 2023, inform the General Dental Council that on 23 May 2023 you were convicted of the offence at allegation 1.”* In view of this change he also proposed removal of the second ground of impairment namely by reason of *“conviction”* due to insufficient evidence that this would have equated to a conviction in the United Kingdom. Finally, Mr Thomas proposed amending charge 1 by the deletion of the word *“alleged”* given that Miss Thomas had been convicted of the offence in question. This application was made under Rule 18.

22. The Committee received advice from the Legal Adviser on the provisions of Rule 18. Rule 18 provides that: *“(1) At any stage before making their findings of fact in accordance with rule 19, a Practice Committee may amend the charge set out in the notification of hearing unless, having regard to the merits of the case and the fairness of the proceedings, the required amendment cannot be made without injustice...”*

23. The Committee has borne in mind that, having decided to proceed in her absence, it has not had the opportunity to hear from Miss Thomas in respect of the GDC’s proposed amendments. However, it is satisfied that the proposed amendments can be made *“without injustice”*. In coming to

that view, the Committee concluded that the proposed deletion of the word ‘alleged’ from charge 1 does not alter the shape of the GDC’s case against Miss Thomas. Further, the proposed amendment to charge 2 reflects more accurately the evidence and does not allege new matters against Miss Thomas. Finally, the proposed withdrawal of impairment on the grounds of the conviction lessens the charge against Miss Thomas, whilst still reflecting the gravamen of the GDC’s case against her. Accordingly, the Committee acceded to the GDC’s application.

Findings of Fact

24. The Committee considered all the evidence presented to it contained in the GDC’s bundle of documents. It took into account Mr Thomas’ submissions on behalf of the GDC. The Committee accepted the advice of the Legal Adviser. It has drawn no adverse inference by the non-attendance of Miss Thomas at these proceedings. The Committee has had regard to Miss Thomas’ emails to the GDC dated 31 October 2023 and 2 November 2023.

25. The Committee considered the factual allegations 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 matters are proved on the balance of probabilities.

26. The Committee has also had regard to a copy of the GDC’s guidance on reporting criminal convictions published by the Council on 30 September 2013 (exhibited by the Caseworker); this refers to Standard 9.3 of the Council’s Standards for the Dental Team, which states that Registrants ‘*must inform the GDC immediately if you are subject to criminal proceedings or a regulatory finding is made against you anywhere in the world*’.

27. In respect of charge 3(b), which alleges that Miss Thomas’ action in relation to allegation 2 was dishonest, the Committee applied the legal test for dishonesty, as set out in the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67.

28. The Committee made the following findings:

1	<p><i>On 23 May 2023, you were convicted at the Magistrates’ Court of Torremolinos of an offence against traffic safety.</i></p> <p>Found proved</p> <p>The Committee has had regard to the Spanish conviction document (which has been translated into English) which makes clear that the Court proceedings related to the charge which occurred on 23 May 2023. This document is consistent with the PNC document which shows a conviction dated 23 May 2023 for Miss Thomas “driving a mechanically propelled vehicle while unfit through drink or drugs.” Further, the Committee has before it a copy of the DBS check, the content of which is consistent with the details set out in the Spanish conviction document.</p> <p>Finally, the Committee has had regard to Miss Thomas’ email dated 31 October 2023 to the GDC in which she stated: “<i>I am writing to inform you of the conviction I was charged with on the 23rd of May 2023</i>”. She goes on to set out the circumstances of this matter.</p> <p>Accordingly, the Committee finds this charge proved.</p>
2	<p><i>You failed to immediately, prior to 31 October 2023, inform the General Dental Council that on 23 May 2023 you were convicted of the offence at allegation 1</i></p> <p>Found proved</p>



	<p>The Committee has had regard to the email dated 31 October 2023 from Miss Thomas to the GDC in which she stated, “I am writing to inform you of the conviction I was charged with on the 23rd of May 2023”.</p> <p>The Committee has concluded that it is apparent from the content of Miss Thomas’ email dated 31 October 2021 as well as the content of the telephone note dated the same date between FTP Casework and Fitness to Practise regarding the content of a telephone call from Miss Thomas at 10.51 on 31 October 2025 that this was the first time when she notified the GDC of her conviction.</p> <p>Accordingly, the Committee finds this charge proved.</p>
<p>3a</p>	<p><i>Misleading; and /or</i> Found proved</p> <p>The Committee is satisfied that Miss Thomas’ failure to inform the GDC prior to 31 October 2023 that she had been convicted of an offence against traffic safety in Spain on 23 May 2023 misled the GDC into thinking that for a period of almost six months she did not have the conviction when this was not true. This omission was clearly misleading.</p> <p>Accordingly, the Committee finds this charge proved.</p>
<p>3b</p>	<p><i>Dishonest in that you sought to hide the conviction from the General Dental Council, and did not make the declaration until after the conviction appeared on a Disclosure and Barring Service check.</i> Found proved</p> <p>The Committee applied the legal test for dishonesty, as set out in the case of <i>Ivey v Genting Casinos (UK) Ltd t/a Crockfords</i> [2017] UKSC 67.</p> <p>In considering Miss Thomas’ state of mind, the Committee had regard to Miss Thomas’ email to the GDC dated 31 October 2023. Miss Thomas knew that she had been convicted of an offence against traffic safety in Spain. She also knew that she had received a fine and a driving ban in Spain for 8 months for this offence. It considered that Miss Thomas would have known that being convicted of a driving offence in another country might have implications for her registration as a dental professional in the UK and any DBS checks.</p> <p>The Committee considers that it was incumbent on Miss Thomas to have checked on the GDC’s website and/or ask the GDC if she was unsure as to whether she needed to declare her conviction. However, it was only when Miss Thomas was discovered as having her conviction in Spain through the DBS check that she followed the matter up with the GDC. It has taken into account the length of time that had expired before she came forward, which was almost six months.</p> <p>The Committee is satisfied that Miss Thomas’ conduct was dishonest by the objective standard. It found that an ordinary, decent person would judge her actions in failing to disclose to the GDC immediately that she was subject to a conviction in Spain in May 2023 until after the conviction appeared on the DBS check in October 2023 to be dishonest.</p>

In the Committee's view, members of the public would expect registrants to promptly declare to their regulator correct information which could adversely impact public safety and the reputation of the dental profession.

The Committee is therefore satisfied that Miss Thomas' conduct in this respect was dishonest and finds this head of charge proved.

29. The hearing moves to Stage Two.

Stage 2

30. Following the handing down of the Committee's findings of fact, the hearing proceeded to stage two; that is to say, misconduct, current impairment and sanction.

31. The Committee has considered all the evidence presented to it. It has taken into account the submissions made by Mr Thomas, on behalf of the GDC in accordance with Rule 20(1)(a). Throughout its deliberations the Committee has had regard to the GDC's "Guidance for the Practice Committees, including Indicative Sanctions Guidance" (the Guidance) (October 2016, updated December 2020). The Committee has accepted the advice of the Legal Adviser concerning its powers and the principles to which it should have regard.

Fitness to practise history

32. Mr Thomas confirmed that Miss Thomas has no fitness to practise history.

Summary of submissions

33. Mr Thomas submitted that the findings against Miss Thomas, which concern her misleading and dishonest conduct in failing to immediately, prior to 31 October 2023, inform the GDC that on 23 May 2023 she was convicted of an offence against traffic safety in Spain, falls short of what would be proper in the circumstances. He cited within the current Standards for the Dental Team, standards 1.3, 9.1 and 9.3 which have potentially been breached. Mr Thomas invited the Committee to consider that dishonesty in relation to a registrant's failure to disclose a criminal conviction is likely to raise a degree of moral blameworthiness. He therefore submitted that the findings are serious and amount to misconduct.

34. It was Mr Thomas' submission that there is no evidence from Miss Thomas in relation to insight or remediation. As such, there is nothing to before the Committee to satisfy it that Miss Thomas has rectified her misconduct. In addition, a finding of current impairment is necessary in the wider public interest so as to uphold proper professional standards and maintain public confidence in the profession.

35. Mr Thomas acknowledged that the dishonesty in this case is at the lower end of the spectrum in terms of seriousness and accepted that when matters came to light Miss Thomas co-operated with the GDC's investigation. The GDC's position is that the appropriate and proportionate sanction in this case is to direct that Miss Thomas' registration be suspended for a period of between three and six months, with a review. Mr Thomas highlighted relevant factors identified in the suspension criteria contained in the GDC's Guidance which are met in this case.

Misconduct

36. The Committee first considered whether the facts found proved constitute misconduct. In so doing, it has borne in mind the definition of misconduct as set out in the cases of Roylance (No. 2) v General Medical Council [2000] AC 311 and Spencer v General Osteopathic Council [2013] 1 WLR

1307 (Admin).

37. The Committee has found proved that on 23 May 2023, Miss Thomas, a registered dental nurse, was convicted at the Examining Magistrates' Court of Torremolinos of an offence against traffic safety. Miss Thomas was fined 10 Euros per day for four months and she was disqualified from driving for 8 months and 2 days.

38. Miss Thomas failed to immediately, prior to 31 October 2023, inform the GDC of the conviction. Her actions in this regard were misleading and dishonest in that Miss Thomas sought to hide the conviction from the GDC. Miss Thomas did not make the declaration to the GDC until after the conviction appeared on a Disclosure and Barring Service (DBS) check on 27 October 2023 which was sent to Miss Thomas and she then notified the Practice Manager on 30 October 2023. In effect, Miss Thomas only disclosed the conviction when she was "found out."

39. The Committee takes a serious view of Miss Thomas' misleading and dishonest conduct in failing to disclose her conviction to the GDC at the earliest opportunity. Acting with honesty and integrity is a fundamental tenet of the dental profession. Standard 9.3 of the Council's Standards for the Dental Team, states that Registrants "*must inform the GDC immediately if you are subject to criminal proceedings or a regulatory finding is made against you anywhere in the world*". In the Committee's judgement, Miss Thomas should have been aware of her professional obligations and if she was in any doubt as to whether or not she should declare her conviction she should have sought advice. The Committee is also satisfied that Miss Thomas breached Standard 1.3: "*You must be honest and act with integrity*" and Principle 9 "*Make sure your personal behaviour maintains patients' confidence in you and the dental profession*".

40. Accordingly, the Committee has concluded that the facts found proved are sufficiently serious to amount to misconduct.

Current impairment

41. The Committee next considered whether Miss Thomas' fitness to practise is currently impaired by reason of her misconduct. Throughout its deliberations, the Committee has borne in mind that its overarching objective is to protect the public, which includes the protection of patients and the wider public, 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.

42. The Committee has had regard to Miss Thomas' email to the GDC dated 2 November 2023 in which she provides additional information in relation to the incident in question on 22 May 2023. She accepted that she made a "foolish decision to move the car to the vacant parking slot. I accidentally drove on the wrong side of the road as I'm not familiar with the roads. I was stopped by police and breathalysed." Miss Thomas describes the incident as being totally out of character and sets out how the incident has impacted on her.

43. While noting Miss Thomas' explanation of events, the Committee notes the absence of any reflection or insight from Miss Thomas in relation to how her conduct is likely to impact on the reputation of dental professionals or how she might act differently in the future. There is no mention of Miss Thomas having familiarised herself with the GDC's guidance in relation to reporting criminal convictions. In the absence of such evidence, the Committee considers that Miss Thomas' dishonest conduct may be repeated. The Committee considers that a repetition of such conduct would further damage the reputation of the profession.

44. The Committee is satisfied that a finding of impairment on the grounds of misconduct is required to maintain public confidence in the profession and to declare and uphold proper professional standards of conduct and behaviour. In the Committee's judgement the public's trust

and confidence in the profession, and in the regulatory process, would be significantly undermined if a finding of impairment was not made given Miss Thomas' dishonest conduct.

45. Accordingly, the Committee finds that Miss Thomas' fitness to practise is currently impaired by reason of her misconduct.

Sanction

46. The Committee then determined what sanction, if any, is appropriate in light of the findings of misconduct and current impairment by reason of misconduct. The Committee recognises that the purpose of a sanction is not to be punitive, although it may have such an effect, but is instead imposed to protect patients and safeguard the wider public interests mentioned above.

47. In reaching its decision the Committee has kept in mind the GDC's Guidance. It has applied the principle of proportionality, balancing the public interest with Miss Thomas' own interests.

48. The Committee notes Miss Thomas' email dated 8 August 2025 regarding this hearing in which she states "... I'm no longer under the GDC and won't be attending". It has no further information from Miss Thomas in respect of her current working arrangements.

49. The Committee has considered the mitigating and aggravating factors present in this case. It has taken into account that Miss Thomas has no fitness to practise history and that she co-operated with the GDC's investigation into this matter. In terms of aggravating factors, the Committee has borne in mind that it took almost six months since the conviction took place before Miss Thomas self-reported the matter to the GDC and her lack of insight and remorse into her dishonest misconduct.

50. The Committee has considered the range of sanctions available to it, starting with the least restrictive. In the light of its finding of dishonesty, the Committee considers that taking no action, or issuing a reprimand, would not be sufficient in the particular circumstances of this case. In the Committee's judgement public trust and confidence in the profession and in the regulatory process would be undermined if no action were taken, or if a reprimand were issued.

51. The Committee also considers that a direction of conditional registration would not be sufficient to meet the public interest considerations engaged in this case. Further, the Committee considers that conditions would not be workable in this case given Miss Thomas' lack of engagement in these proceedings.

52. The Committee then went on to consider whether an order of suspension would be the appropriate sanction. The GDC's Guidance states suspension may be suitable where most of the following factors are present:

- the registrant has not shown insight and/or poses a significant risk of repeating the behaviour;
- 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.

53. The Committee was satisfied that the misconduct in this case, although serious, was not fundamentally incompatible with Miss Thomas remaining on the register. The Committee has also borne in mind that Miss Thomas co-operated with the GDC's investigation into this matter. It considered that a period of suspension would give Miss Thomas sufficient time to engage with these proceedings and reflect on her dishonest conduct.

54. The Committee did go on to consider a sanction of erasure but, taking into account all of the information before it, determined that it would be disproportionate.
55. Balancing all these factors, the Committee directs Miss Thomas' registration be suspended for a period of 6 months. This is necessary to maintain and uphold public confidence in the profession, whilst sending the public and the profession a clear message about the standards of practice required of a dental nurse.
56. The Committee noted the hardship the suspension may cause Miss Thomas; however this is outweighed by the public interest in this regard.
57. The Committee directs that this order be reviewed before its expiry, and Miss Thomas will be informed of the date and time in writing. The reviewing Committee will consider what action it should take in relation to Miss Thomas' registration.
58. The reviewing Committee may be assisted by
- Miss Thomas' attendance at the review hearing
 - Miss Thomas providing a detailed reflective statement demonstrating her insight into the upholding of the GDC's Standards, including an understanding of the importance of being honest.
59. The Committee now invites submissions on an immediate order.
60. Mr Thomas, in the light of the Committee's decision on sanction, which is based on public interest grounds only, makes no application for an immediate order. The Committee, having heard legal advice from the Legal Adviser on this matter, makes no order.
61. That concludes the hearing of this case.