

**ON PAPERS****Interim Orders Committee  
Review Hearing****15 April 2024****Name:** SADEGHZADEH- ARAGHI, Ariyan**Registration number:** 270895**Case number:** CAS-203318-Z6R6G0

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**General Dental Council:** Holly Watt, IHLPS**Registrant:** Represented by Kennedys Law

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**Outcome:** Interim conditions confirmed**Duration:** For the remainder of the current order

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**Committee members:** Andrea Hammond (Chair, Dental Care Professional member)  
Hall Graham (Dentist member)  
Jim Hurden (Lay member)**Legal adviser:** Alain Gogarty**Committee Secretary:** Sara Page

1. 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.
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2. The role of the Interim Orders Committee (IOC) is to undertake a risk assessment based on the information before it. Its role is to assess the nature and substance of any risk to the public in all the circumstances of the case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the registrant's own interests to impose an interim order on their registration. It is not the role of the IOC to make findings of fact in relation to any charge. That is the role of a differently constituted committee at a later stage in the process.
3. Neither party was present at today's hearing, following a request for the review of the interim order to be conducted on the papers. The hearing was conducted remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.
4. In the absence of both parties, the Committee first considered the issues of service and whether to proceed with the hearing in the absence of Mr Sadeghzadeh-Araghi and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

#### **Decision on service of Notice of Hearing**

5. The Committee was informed at the start of this hearing that Mr Sadeghzadeh-Araghi was neither present nor represented at today's hearing.
6. In his absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Mr Sadeghzadeh-Araghi in accordance with Rules 35 and 65 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules').
7. The Committee had regard to the indexed hearing bundle of 65 pages, which contained a copy of the Notice, dated 28 March 2024. The Notice was sent to Mr Sadeghzadeh-Araghi's registered address by Special Delivery on 28 March 2024, in accordance with Section 50A of the '*Dentists Act 1984*' (as amended) ('the Act') and via email on the same date.
8. The Committee was satisfied that the Notice contained proper and correct information relating to today's hearing. This included the time, date and that it is being conducted remotely via Microsoft Teams, as well as notification that the Committee has the power to proceed with the hearing in Mr Sadeghzadeh-Araghi's absence.
9. Whilst it is not a requirement of the Rules, the Committee had sight of an extract from the Royal Mail 'Track and Trace' service which showed the item was delivered to Mr Sadeghzadeh-Araghi's registered address on 2 April 2024. It was signed for against the printed name of 'ARIYAN'.
10. In light of the information available, the Committee was satisfied that Mr Sadeghzadeh-Araghi's has been served with proper notification of this hearing, within a reasonable period of time, in accordance with the Rules.

#### **Decision on whether to proceed in the absence of Mr Sadeghzadeh-Araghi and on the papers**

11. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Mr Sadeghzadeh-Araghi and any representative for either party. The Committee was mindful that the discretion to proceed in the absence of Mr Sadeghzadeh-Araghi must be exercised

with the utmost care and caution. The Legal Adviser reminded the Committee of the requirement to be fair to both parties, as well as considering the public interest in the expeditious review of this case.

12. The Committee noted the email from Mr Sadeghzadeh-Araghi's representative at Kennedys Law, dated 8 April 2024, which stated, *"I confirm that our client is content for the hearing to take place on the papers."*
13. The Committee bore in mind that today's hearing has been arranged as there is a statutory requirement for there to be a review of an interim order within six months of the order being previously reviewed. It noted that no application for an adjournment had been made by Mr Sadeghzadeh-Araghi and there was information before the Committee that Mr Sadeghzadeh-Araghi is content for today's review to take place in his absence and on the papers. On the basis of the information before it, the Committee concluded that Mr Sadeghzadeh-Araghi had voluntarily absented himself from today's hearing.
14. In all these circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Mr Sadeghzadeh-Araghi and any representatives for either party.

### **Background**

15. Mr Sadeghzadeh-Araghi's case was first considered by the IOC on 5 May 2023, when it determined that it was necessary for the protection of the public and was otherwise in the public interest to impose an interim conditions of practice order for a period of 18 months.
16. The concerns were summarised at the initial interim order hearing as follows:

*"Your case was referred to the IOC by the GDC's Registrar on 20 April 2023. This was following the receipt of information by the GDC on 12 April 2023, which raised concerns about your fitness to practise as a dentist.*

**[PRIVATE]."**

17. Mr Sadeghzadeh-Araghi's case was reviewed on the following occasion:
  - 30 October 2023 (Interim conditions of practice order varied).
18. This is the second review of this order. The order is due to expire on 4 November 2024.

### **Submissions**

19. In its written submissions, the GDC invited the Committee to continue the current interim order of conditions. It submitted that there has been no material change in circumstances following the last review that would necessitate an amendment to the current interim order.
20. The GDC confirmed that **[PRIVATE]** there are no concerns with Mr Sadeghzadeh-Araghi's compliance with the current interim order. As a result, the GDC submitted that the current interim conditions of practice order remains necessary for the protection of the public and is otherwise in the public interest for the same reasons as set out in the review hearing dated 30 October 2023.
21. Mr Sadeghzadeh-Araghi's representative at Kennedys Law confirmed that Mr Sadeghzadeh-Araghi is complying with the conditions of practice and provided a number of documents, as required by the conditions, for the Committee to consider at today's review.

**Decision on review**

22. In reviewing this order, the Committee considered all the documentation contained within the hearings bundle, as well as the written submissions made. The Committee had regard to the GDC's document, '*GDC Fitness to Practise: Guidance for the Interim Orders Committee (December 2023)*' and accepted the advice of the Legal Adviser.
23. The Committee bore in mind its overarching objectives to protect, promote and maintain the health, safety and well-being of the public; to promote and maintain public confidence in the dental and dental care professions; and to promote and maintain proper professional standards and conduct for members of the dental and dental care professions.
24. The Committee first considered whether an interim order remained necessary on the ground of public protection.
25. The Committee considered that the allegations against Mr Sadeghzadeh-Araghi are serious, [PRIVATE]. It was satisfied that based on the information before it, there is a prima facie case.
26. The Committee took into account that there has been no material change in circumstances since the last review. It noted that there have been no issues raised regarding compliance with the interim conditions of practice since their imposition.
27. On the basis of the information before it, the Committee has concluded that there remains a risk of harm should Mr Sadeghzadeh-Araghi be able to practise without restriction and an interim order is still required on the ground of public protection.
28. The Committee also considered that an interim order is still required on the ground of public interest, in order to maintain confidence in the profession and the GDC as its regulator. The Committee was satisfied that an informed member of the public would be shocked and surprised to know that Mr Sadeghzadeh-Araghi had not had his practice restricted whilst the GDC's investigation is ongoing.
29. Having determined an interim order is necessary in the circumstances, the Committee must impose the minimum restriction on Mr Sadeghzadeh-Araghi's registration necessary to protect the public and the wider public interest.
30. In considering the type of order required, the Committee has applied the principle of proportionality, balancing the public interest with Mr Sadeghzadeh-Araghi's own interests.
31. The Committee acknowledged that Mr Sadeghzadeh-Araghi has been complying with the current interim conditions of practice order and is continuing to engage with the GDC.
32. In this regard, the Committee was satisfied that the current interim conditions of practice order remained the appropriate and proportionate order for the same reasons as those stated by the IOC at the review hearing, dated 30 October 2023. The Committee noted that the imposition of an interim suspension order would be too punitive at this stage as the current restrictions are satisfactorily addressing any risk to public protection and any public interest concerns raised at the last review.
33. The Committee notes that the continuation of this interim conditions of practice order restricts Mr Sadeghzadeh-Araghi's practice as a dentist pending the GDC's investigation into the allegations. However, given the serious nature of the allegations against Mr Sadeghzadeh-Araghi, the Committee is satisfied that the need to protect the public and the wider public interest outweighs his own interests.

34. The Committee was of the view that the public and the wider public interest would be suitably protected by the continuation of the following conditions of practice:

1. *He must notify the GDC within 7 days of any professional appointment he accepts or is currently undertaking and provide the contact details of his employer, any organisation for which he has a contract or arrangement to provide dental services and all the NHS regional teams/Health Boards with whom he has an arrangement, either as a contract holder or by being on their Dental Performers' List.*
2. *He must allow the GDC to exchange information with his employer, any organisation for which he has a contract or arrangement to provide dental services, all the NHS regional teams/Health Boards with whom he has an arrangement.*
3. *He must inform the GDC within 7 days of any formal disciplinary proceedings taken against him from the day these conditions take effect.*
4. *He must inform the GDC within 7 days of any complaints made against him from the date these conditions take effect.*
5. *He must inform the GDC within 7 days of the date of application if he applies for dental employment outside the UK from the day these conditions take effect.*
6. *He must inform the GDC if he is registered or applies for registration with any overseas regulator/relevant authority, within 7 days of the date of the application or 7 days from the date of this determination if already registered.*
7. *He must not administer sedation to any patient.*
8. *At any time that he is employed, or providing dental services which require him to be registered with the GDC, he must agree to the appointment of a reporter nominated by him and approved by the GDC. The reporter shall be a GDC registrant.*
9. *He must allow the reporter to provide reports to the GDC at intervals of not more than 3 months and 14 days prior to any review hearing regarding his compliance with Condition 7 and confirming whether any further complaints/concerns are received against him.*
10. *He must inform within 7 days the following parties that his registration is subject to the conditions listed at 1 to 9 above and confirm to the GDC that this has been done:*
  - *Any organisation or person employing or contracting with him to undertake dental work;*
  - *Any prospective employer (at the time of application);*
  - *The Commissioning Body or on whose Dental Performers List he is included or seeking inclusion (at the time of application); and,*
  - *His Reporter.*

*11. He must permit the GDC to disclose the above conditions 1 to 9 to any person requesting information about his registration status.*

35. The interim conditions of practice order will continue for the remainder of the current order.

#### **Review of the order**

36. Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative hearing within the next six months. The Committee will be invited by the GDC to confirm the order and Mr Sadeghzadeh-Araghi will be asked whether there are any written submissions to be put before the Committee on his behalf. Mr Sadeghzadeh-Araghi will then be notified of the outcome in writing following the decision of the Committee.
37. Alternatively, Mr Sadeghzadeh-Araghi is entitled to have the interim order reviewed at an oral hearing. This means that he will be able to attend and make representations, send a representative on his behalf or submit written representations about whether the order continues to be necessary. Mr Sadeghzadeh-Araghi must inform the GDC if he would like the interim order to be reviewed at a hearing.
38. Even if Mr Sadeghzadeh-Araghi does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked, varied or replaced, the Committee will review the order at a hearing to which he and any representative will be invited to attend.
39. Notification of this decision will be served upon Mr Sadeghzadeh-Araghi in accordance the Act.
40. That concludes this determination.