Hearing held in public

Summary

Name: NAVEED, Fariha [Registration no: 277269]
Type of case: Interim Orders Committee (Review)
Outcome: Conditions continued
Duration: For the remainder of the 18-month period
Date: 5 April 2022
Case number: CAS-197809

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.

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 the GDC’s current practice.

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 Ms Naveed and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

Decision on service of the Notification of Hearing

The Committee considered whether notice of the hearing had been served on Ms Naveed in accordance with Rules 35 and 65 of the General Dental Council (Fitness to Practise) Rules Order of Council 2006 (the Rules). It received a bundle of documents which contained a copy of the Notification of Hearing letter, dated 16 March 2022 and a Royal Mail ‘Track and Trace’ receipt confirming that delivery was made and signed for by ‘NAVEED’ on 17 March 2022. The Notice was also sent to Ms Naveed’s legal representatives. A copy of the letter was also sent to her by email on 16 March 2022.

The Committee was satisfied that the letter contained proper notification of this hearing, including notification that the Committee had the power to proceed with the hearing in Ms Naveed’s absence.

On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Naveed’s in accordance with the Rules.
**Decision on whether to proceed with the hearing in the absence of Ms Naveed and on the papers**

The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Ms Naveed and any representative for either party. It remained mindful of the need to be fair to Ms Naveed and to the General Dental Council (GDC), and it had regard to the public interest in the expeditious review of the interim order in place on Ms Naveed’s registration.

The Committee noted the correspondence from BTO Solicitors acting on behalf of Ms Naveed. In particular, it noted the following:

"The registrant is aware of the review hearing and is content for the interim order to be reviewed on the papers."

In all the circumstances, and in the absence of any request for an adjournment, the Committee determined that it was fair and in the public interest to proceed with the hearing on the papers in the absence of Ms Naveed and any representatives for either party.

**Decision on today's review**

This is the second review of the interim order of conditions, first imposed on Ms Naveed’s registration on 22 July 2021 for a period of 18 months. The order was considered to be necessary for the protection of the public, was otherwise in the public interest and in her own interests.

At that initial hearing the Committee was provided with the following background information:

"The General Dental Council ("the Council") is investigating information received from an informant, Associate Postgraduate Dental Dean on 28 November 2019. The informant stated that you had commenced a vocational training (VT) post after a significant career gap. At appointment, the trainer was aware that there had been a lengthy clinical experience gap, and that additional support would probably be required.

The initial part of your training was said to have consisted largely of shadowing, but then concerns were identified from very early in the training year, in particular around diagnosis of caries, diagnosis and management of pain, and routine oral surgery, as well as communication. Further shadowing and joint treatment sessions were arranged, as well as a visit from a VT Adviser, to provide mentoring support.

However, the informant explained that matters had come to a head following a complaint from the parent of a child patient, and ultimately you were dismissed as it was considered that VT was not the best environment to provide the levels of support required to ensure patient safety and maintain the reputation of the practice. The opinion of your trainer was that you were at a level which required direct supervision/teaching. Ultimately, your Certificate of Satisfactory Completion of VT was withheld, and the Panel did not recommend additional training to be awarded.

The information raises concerns about your fitness to practise as a dentist."

The conditions imposed on Ms Naveed’s registration at that initial IOC hearing included a requirement that “you must confine your dental practice posts as a vocational/foundation dentist in the National Health Service (NHS) under the supervision of a named approved Trainer". 
On 17 September 2021, Ms Naveed’s legal representatives, wrote to the GDC requesting an early review on the interim order on the basis that new information had come to light which made the conditions unworkable. They stated that, “following contact with NHS Education for Scotland (NES), they have unfortunately indicated that they are not in a position to organise a Vocational training post during this academic year. The next opportunity for Dr Naveed to apply would be for posts commencing in August 2022. It is likely that the competition from recent graduates will be fierce. NES has suggested an alternative approach would be for Dr Naveed to work as an assistant dentist with appropriate supervision. Dr Naveed would welcome this approach.”

The matter was reviewed on 14 October 2021, where the conditions of practice order was continued and varied for the remainder of the period. In varying the conditions, the Committee stated “The Committee did acknowledge, however, that as the current conditions restrict your practice to working in VT roles they were currently unworkable as you would not be able to apply for VT roles until next year. The Committee also noted that there may be fierce competition for these posts when they do become available The Committee has considered the amended conditions proposed by the GDC and was satisfied that these were workable as they do not restrict your practice to VT roles and would allow you to return to practice under the same supervision as you would have been under as a Vocational Trainee.”

In reaching its decision in respect of the interim order, this Committee today remained mindful that its task is not to find facts, but to conduct an assessment of risk based on the information that has been placed before it. In all its considerations, it applied the principle of proportionality, balancing the public interest with Mr Naveed’s interests. It had regard to the Interim orders guidance for decision makers – Interim Orders Committee.

This Committee is not bound by the decision of the previous Committee. However, the Committee notes that both parties are in agreement that the current interim conditions of practice order should remain in place and continue in its current form. The allegations are serious, involving risk of harm to patients on the basis of the concerns highlighted by three separate individuals – Ms Naveed’s vocational trainer and the two observers of her treatment sessions. Further, the Committee was satisfied that the risks identified by the previous Committee remain.

Accordingly, the Committee has determined that an interim order remains necessary for the protection of the public, is otherwise in the public interest and is also in Ms Naveed’s own interests.

The written submissions from the GDC stated “that there has been no material change in circumstances following the last hearing before the IOC on 14 October 2021 that would necessitate an amendment to the current interim order of conditions. There are no concerns regarding the Registrant’s compliance with conditions”. The written correspondence from Mr Naveed’s representatives state “In light of Ms Naveed’s hard work and continuing progress, our submission is that the interim conditions on her registration should simply be continued for the remainder of the order. There has been no change in circumstance which would necessitate an amendment to the current interim order of conditions, and there are no concerns regarding the registrant’s compliance with the conditions”.

The Committee was satisfied, based on all the documentation before it, that Ms Naveed has fully complied with the interim conditions since the last review. It was of the view that the varied conditions are sufficiently protecting the public, upholding the public interest, and remain proportionate and workable. The Committee determined to continue the current interim order on her registration for the remainder of the term of the order.
The interim conditions as they will continue to appear against Ms Naveed’s name in the register are as follows:

1. She must notify the GDC within 7 days of any post she accepts for which GDC registration is required and the Commissioning Body on whose Dental Performers List she is included.

2. If employed, she must provide contact details of her employer within 7 days and allow the GDC to exchange information with her employer or any contracting body for which she provides dental services.

3. She must inform the GDC within 7 days of any formal disciplinary proceedings taken against her, from the date of this determination.

4. She must inform the GDC within 7 days of any complaints made against her from the date these conditions take effect.

5. She must inform the GDC if she applies for dental employment outside the UK within 7 days of making any application.

6. She must, at all times whilst she is providing dental services, which require her to be registered with the GDC, place herself under the supervision of a workplace supervisor nominated by her and agreed by the GDC. The level of supervision will be ‘directly supervised’ as defined in the GDC Glossary of Terms. The workplace supervisor shall be a GDC registrant in the same category of the register as the registrant or higher.

7. She must not start or restart work until her workplace supervisor has been approved by the GDC.

8. She must provide the workplace supervisor with a copy of this determination immediately after the workplace supervisor has been approved by the GDC. Evidence that this information has been provided to the workplace supervisor must be forwarded to the GDC within 7 days of disclosure.

9. She must allow the GDC to exchange information with her supervisor.

10. She must provide a report from her workplace supervisor to the GDC every three months and at least 14 days prior to any review. The report will address the following areas:

- Clinical examination and assessment
- Treatment planning
- Diagnosis of caries
- Diagnosis and management of pain
- Routine oral surgery
- Root canal, including use of rubber dam
- Scale and polish
- Record keeping
- Medical history
- Communication
11. She must maintain a log, which must be signed by her workplace supervisor, detailing every case where she has undertaken, of:

- Clinical examination and assessment
- Treatment planning
- Diagnosis of caries
- Diagnosis and management of pain
- Routine oral surgery
- Root canal, including use of rubber dam
- Scale and polish
- Record Keeping
- Medical history
- Communication

12. She must provide copies of these logs to the GDC every 3 months and at least 14 days prior to any review hearing.

13. She must not work as a locum or undertake any out-of-hours work or on-call duties.

14. She must inform within 1 week the following parties that her registration is subject to the conditions, listed at (1) to (13), above:

   a. Any organisation or person employing or contracting with her to undertake dental work.
   b. Any locum agency or out-of-hours service she is registered with or applies to be registered with (at the time of application).
   c. Any prospective employer (at the time of application).
   d. The Commissioning Body in whose Dental Performers List she is included, or seeking inclusion (at the time of application).

15. She must permit the GDC to disclose the above conditions, (1) to (14), to any person requesting information about her registration status.

*Directly supervised*

The registrant’s work must be directly supervised at all times by a person who is registered with the GDC in their category of the register or above and who is in the same place of work. The level of supervision required is equivalent to that of a Foundation Trainee.

Next review

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 Ms Naveed will be asked whether there are any written submissions to be put before the Committee on her behalf. Ms Naveed will then be notified of the outcome in writing following the decision of the Committee.

Alternatively, Ms Naveed is entitled to have the interim order reviewed at an oral hearing. This means that Ms Naveed will be able to attend and make representations, send a representative on her behalf or submit written representations about whether the order continues to be necessary. Ms Naveed must inform the GDC if she would like the interim order to be reviewed at a hearing. Even if Ms Naveed 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 Ms Naveed and her representatives will be invited.

That concludes this hearing.