

**PRIVATE HEARING  
(Held on the papers)****Health Committee  
Review Hearing****26 June 2024****Name:** ROBERTS, Rachael Louise**Registration number:** 131090**Case number:** CAS-198193-B3S1L6

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**General Dental Council:** Rosie Geddes, IHLPS**Registrant:** Unrepresented

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**Fitness to practise:** Impaired by reason of health and misconduct**Outcome:** Suspended indefinitely**Duration:** N/A

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**Committee members:** Margaret Wolff (Chair, Lay Member)  
Clare McIlwaine (Dental Care Professional Member)  
Melissa Oura (Dentist Member)**Legal Adviser:** Trevor Jones**Committee Secretary:** Lola Bird

**At this hearing the Committee made a determination that includes some private information. That information has been omitted from this public version of the determination, and this public document has been marked to show where private material has been removed.**

1. This is a resumed hearing before the Health Committee (HC) pursuant to section 36Q of the *Dentists Act 1984 (as amended)* ('the Act').
2. The hearing is being conducted remotely via Microsoft Teams video-link.

### **Purpose of the hearing**

3. The purpose of the hearing has been to review a substantive order of suspension currently in place on Miss Roberts' registration.
4. Neither party is present today, following a request made by the General Dental Council (GDC) for the hearing to take place on the papers. The Committee received written submissions from the GDC.

### **Decision on application for the hearing to be held entirely in private**

5. The Committee first received advice from the Legal Adviser in respect of the application made by the GDC in its written submissions for this case to be heard in private under Rule 53 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the GDC Rules'). It was the GDC's submission that "*the matters relating to misconduct in this case are inextricably linked to health to require the whole hearing to be in private session*".
6. The Legal Adviser drew the Committee's attention to its discretion under Rule 53 to hold part or all of the hearing in private. In particular, Rule 53(2)(a), which states that the Committee can exercise its discretion for privacy to protect a registrant's private and family life.
7. The Committee accepted the advice of the Legal Adviser. It was satisfied that the matters to be considered in this case are inextricably linked to issues relating to Miss Roberts' health, and therefore a wholly private hearing was appropriate and necessary to protect her private and family life.
8. Accordingly, the Committee directed that the proceedings continued entirely in private, including the Legal Adviser's advice on the issues of service and proceeding in the absence of Miss Roberts, given that reference to health matters could be raised at any stage.
9. As is the usual practice, the Committee has produced both a private and public version of its determination. However, given the Committee's determination for wholly private proceedings, the information included in the public determination has been kept to a minimum.

**Service and proceeding**

10. The Committee first considered the issues of service and proceeding in the absence of Miss Roberts and any representatives for either party. It accepted the advice of the Legal Adviser on these matters.

**Decision on service**

11. [PRIVATE].

12. [PRIVATE].

13. [PRIVATE].

14. [PRIVATE].

15. [PRIVATE].

16. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Miss Roberts in accordance with the Rules and the Act.

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

17. [PRIVATE].

18. [PRIVATE].

19. [PRIVATE].

20. [PRIVATE].

21. [PRIVATE].

22. [PRIVATE].

23. [PRIVATE].

24. [PRIVATE].

25. In all the circumstances, the Committee was satisfied that it was fair and in the public interest to proceed with the hearing on the papers in the absence of both parties.

**Case background****Initial HC Hearing – June 2022**

26. Miss Roberts' case was first considered by the HC at a hearing held in June 2022. She did not attend that hearing and she was not represented in her absence.

27. The Committee in June 2022 found that Miss Roberts' fitness to practise was impaired on the grounds of adverse health and misconduct. It imposed a suspension order on her registration for a period of 12 months, and it directed that a review of the order should take place shortly before the expiry of the 12 month period.

28. [PRIVATE]

29. [PRIVATE].

30. [PRIVATE].

31. [PRIVATE]

32. [PRIVATE].

33. [PRIVATE]

34. [PRIVATE]

35. [PRIVATE].

36. [PRIVATE].

**First resumed hearing – July 2023**

37. The suspension order imposed on Miss Roberts' registration was reviewed by the HC at a hearing held on 10 July 2023. The review was conducted on the papers in the absence of both parties.

38. The HC in July 2023 determined that Miss Roberts' fitness to practise remained impaired by reason of her adverse health and her misconduct. [PRIVATE].

39. The HC in July 2023 directed that the suspension order on Miss Roberts' registration should be extended by a period of 12 months, with a further review shortly before the expiry of the 12-month period.

**Today's resumed hearing**

40. This is the second review of the substantive order of suspension first imposed on Miss Roberts' registration in June 2022. In comprehensively reviewing the order today, the Committee

considered all the evidence provided. It accepted the advice of the Legal Adviser. No material or written submissions were received from, or on behalf of, Miss Roberts.

41. [PRIVATE].

42. [PRIVATE]

43. [PRIVATE].

44. [PRIVATE].

### **Decisions on impairment**

45. The Committee considered whether Miss Roberts' fitness to practise remains impaired by reason of her misconduct and her adverse health. In doing so, it exercised its independent judgement. It had regard to 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 adverse health**

46. [PRIVATE].

47. [PRIVATE].

48. [PRIVATE].

49. In all the circumstances, the Committee determined that Miss Roberts' fitness to practise remains impaired by reason of adverse health.

#### **Decision on impairment by reason of misconduct**

50. [PRIVATE].

51. [PRIVATE]

52. The Committee determined that Miss Roberts' fitness to practise remains impaired by reason of her misconduct.

### **Decision on sanction**

53. The Committee next considered what action to take in respect of Miss Roberts' registration. It had regard to section 36Q(1) of the Act, which sets out the options available to it at this review.

54. The Committee also took into account the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016; last revised December 2020)*'. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect

the public and the wider public interest. The Committee applied the principle of proportionality, balancing the public interest with Miss Roberts' own interests.

55. The Committee considered the available directions, starting with the least restrictive.

56. [PRIVATE].

57. [PRIVATE].

58. [PRIVATE].

59. In all the circumstances, the Committee determined that the most appropriate and proportionate outcome in this case is the indefinite suspension of Miss Roberts' registration under section 36Q(1)(d) of the Act. In making this direction, the Committee was satisfied that the criteria for imposing an indefinite suspension are met.

60. [PRIVATE].

61. Unless Miss Roberts exercises her right of appeal, her registration will be suspended indefinitely, 28 days from the date that notice of this direction is deemed to have been served upon her. In the event that she does exercise her right of appeal, the suspension order currently in place on her registration will remain in force until the resolution of the appeal.

62. That concludes this determination.