

**PUBLIC DETERMINATION**

**HEARING HEARD IN PUBLIC**

The Committee has made a determination in this case that includes some private information. That information has been omitted from the text.

**BOUNDFORD, Rhianna Kay**

**Registration No: 164796**

**PROFESSIONAL CONDUCT COMMITTEE**

**MARCH 2013 to MARCH 2015**

**Most recent outcome: Indefinite suspension**

**\*\* See page 10 for the latest determination.**

Rhianna Kay BOUNDFORD,; NVQ L3 Oral Health Care: Dental Nursing & Indp Asses, City & Guilds 2006; was summoned to appear before the Professional Conduct Committee on 19 March 2013 for inquiry into the following charge:

**Amended on 19 March 2013**

“That, being a registered dental care professional:

- 1) On or around 3 January 2012 you were convicted of a criminal offence, namely driving with alcohol concentration exceeding the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
- 2) On or around 28 February 2012 you were convicted of a criminal offence, namely common assault contrary to section 39 of the Criminal Justice Act 1988.
- 3) On or around 16 March 2012:
  - a) you were convicted of a criminal offence, namely aggravated vehicle taking contrary to section 12A of the Theft Act 1968.
  - b) you were convicted of a criminal offence, namely driving whilst disqualified contrary to section 103(1)(b) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
  - c) you were convicted of a criminal offence, namely using a motor vehicle without insurance contrary to section 143 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
- 4) From approximately 13 February 2012 to 20 April 2012 you failed to co-operate with the General Dental Council in that you did not respond promptly or at all to requests for a report from your General Practitioner as to your health and fitness to practise.

and your fitness to practise is impaired by reason of:

- a) conviction for a criminal offence or criminal offences;
- b) misconduct.

Ms Boundford was not present and was not represented. On 19 March 2013 the Chairman announced the findings of fact to the Counsel for the GDC:

“Mr Ramasamy,

**Service and proceeding in absence**

Ms Boundford was not present nor was she represented at today's hearing. You made an application on behalf of the General Dental Council (GDC) for the hearing to proceed in Ms Boundford's absence. The Committee accepted the advice of the Legal Adviser.

You referred the Committee to Rules 13, 65 and 54 of the *Fitness to Practise Rules* and the case of *R v Jones (Anthony) [2003] 1 A.C. 1, HL*.

The Committee saw a copy of the notice of hearing, dated 18 February 2013, that was sent to Ms Boundford's registered address. A printout from the Royal Mail Track and Trace website indicated that the notice was delivered on 19 February 2013. The Committee was therefore satisfied that service had been effected in accordance with the Rules.

The Committee was aware that the discretion to proceed in the absence of Ms Boundford should be exercised with the utmost caution. In determining whether it was fair to proceed in her absence, the Committee noted an email exchange between the GDC Hearings Team and Ms Boundford. On 8 February 2013 an email was sent to Ms Boundford stating that the GDC was seeking a postponement of this scheduled hearing. Ms Boundford, in her reply dated 12 February, objected to any postponement, stating that the length of time that the proceedings had taken so far was causing her considerable stress. She asked that no further postponement be granted and that the hearing proceed today.

The Committee also saw two emails from Ms Boundford dated 26 February and 6 March 2013 in which she stated that she would not be attending this hearing. The Committee noted that she did not seek an adjournment. It was clear to the Committee that both Ms Boundford and the GDC wished for this hearing to proceed today. It was also clear that Ms Boundford had elected not to attend. The allegations are serious and the Committee was satisfied that it was in the public interest that they be dealt with expeditiously. The Committee was also informed that it would receive material from Ms Boundford which would include her explanation of the circumstances of the allegations. The Committee was therefore satisfied that it was appropriate and fair to proceed in Ms Boundford's absence.

**Findings of fact**

The Committee has taken into account all the evidence presented to it. It has again accepted the advice of the Legal Adviser. In accordance with that advice it has considered each head of charge separately.

I will now announce the Committee's findings in relation to each head of charge:

1. Proved

The Committee finds this head of charge proved on the basis of the certified copy of conviction provided to it.

2. Proved

The Committee finds this head of charge proved on the basis of the certified copy of conviction provided to it.

3. a) Proved

The Committee finds this head of charge proved on the basis of the certified copy of conviction provided to it.

3. b) Proved

The Committee finds this head of charge proved on the basis of the certified copy of conviction provided to it.

3. c) Proved

The Committee finds this head of charge proved on the basis of the certified copy of conviction provided to it.

4. Proved

The Committee was satisfied that there was an obligation upon Ms Boundford as a qualified and registered dental professional to cooperate with the GDC. As a registered dental nurse she was obliged to be aware of the requirement to co-operate with her regulatory body in relation to an investigation such as this. The Committee had regard to the GDC Standards Guidance entitled *Principles of Raising Concerns*, section 1, which deals with the health, behaviour and professional performance of a registered dental professional. Specifically, paragraph 1.3 states that a registrant should co-operate fully with any procedure for investigating concerns which apply to their work.

The GDC wrote to Ms Boundford on several occasions between 13 February and 2 April 2012 and informed her of the timeline within which she was to provide a medical report from her General Practitioner. On each occasion she was given adequate time to obtain a report. In a letter emailed to the GDC on 28 June 2012, she admitted that she had known of the requests but did not respond. She provided no adequate reason for her failure to respond and stated that she kept 'putting it off'.

The Committee noted that during the time in question Ms Boundford was functioning to a level whereby she was able to attend work every day and was still socialising.

In the light of all of these factors, the Committee is satisfied that this head of charge is proved to the required standard.

We move to Stage Two."

On 21 March 2013 the Chairman announced the determination as follows:

"Mr Ramasamy,

In its deliberations, the Committee took account of your submissions on behalf of the General Dental Council (GDC) and the written material before it, including the material on behalf of Ms Boundford. The Committee accepted the advice of the Legal Adviser.

## **Facts**

On 3 January 2012, Ms Boundford was convicted of drink driving. On 28 February 2012 she was convicted of common assault. On 16 March 2012 she was convicted of aggravated vehicle taking and driving whilst uninsured and disqualified.

The GDC were notified by the police following Ms Boundford's conviction for drink driving and as a result wrote to her three times during the period from 13 February to 2 April 2012 requesting a report from her General Practitioner (GP) regarding her health and fitness to practise. She did not comply with any of the deadlines set in the letters.

## **Impairment in relation to the convictions**

The Committee had regard to *Standards for Dental Professionals* paragraph 6.3 which states that a registrant should:

*'Maintain appropriate standards of personal behaviour in all walks of life so that patients have confidence in you and the public have confidence in the dental profession.'*

Ms Boundford committed five serious offences that included the breach of a court order by driving whilst disqualified. The Committee noted that she has been sentenced by the court for her offences and that she was using alcohol inappropriately at this time, because of difficulties in her personal life. The Committee is of the view that the criminal conduct was so serious that these convictions undermine public confidence in the profession.

The Committee was concerned that Ms Boundford lacks appropriate strategies for coping with stress and is at risk of relapsing into the behaviour that led to her convictions.

The Committee is therefore satisfied that Ms Boundford's fitness to practise is currently impaired by reason of her convictions.

## **Misconduct in relation to head of charge 4**

The Committee had regard to the following paragraphs in *Standards for Dental professionals*:

*'1.1 Put patients' interests before your own or those of any colleague, organisation or business.'*

*1.7 If you believe that patients might be at risk because of your health, behaviour or professional performance, or that of a colleague, or because of any aspect of the clinical environment, you should take action. You can get advice from appropriate colleagues, a professional organisation or your defence organisation. If at any time you are not sure how to continue, contact us.'*

*Principles of Raising Concerns.* Principle 1 deals with the health, behaviour or professional performance of a registrant. Paragraph 1.3 sets out a number of responsibilities, including the responsibility a registrant has to:

*'co-operate fully with any procedure for investigating concerns which applies to your work.'*

The GDC sent a series of letters to Ms Boundford between February and April 2012 requesting that she provide a report from her GP. She was professionally obliged to co-operate with the GDC to establish her state of health and fitness to practise. All of these letters had deadlines for a reply, none of which she met. The Committee finds that her failure to co-operate with the GDC during that period is serious and would be considered so

by other professionals. The Committee is satisfied that her failure to do so amounts to misconduct.

#### **Impairment in relation to head of charge 4**

The Committee has found that Ms Boundford did not co-operate with her regulatory body. It accepts that this is remediable. However the Committee was not satisfied that this has been remedied because Ms Boundford appears not to have prioritised these GDC proceedings. For example Ms Boundford did not

- meet a deadline set by the GDC in early 2013 for her to submit a follow up report regarding her health;
- submit any evidence of following the recommendations set out within a report dated 18 September 2012 written by a Specialist Medical Practitioner. This included attendance at a drink awareness course.

In the Committee's view Ms Boundford lacks insight into her failings, the need to meaningfully co-operate and the seriousness of her situation. She said she was confused as to who was responsible for implementing the recommendations of the Specialist Medical Practitioner but took no steps to seek clarification about this from the GDC.

Whilst Ms Boundford has been and is currently communicating with the GDC, she has not fully engaged.

Her email of 6 March 2013 to the GDC, in which she stated that she had not 'complied' with the recommendations of the Specialist Medical Practitioner, is a clear indication that her fitness to practise is currently impaired by reason of her misconduct.

#### **Sanction**

You invited the Committee to consider a sanction not less than suspension.

In considering sanction, the Committee had regard to all of the aggravating and mitigating factors in this case. It noted the testimonials submitted by a friend, her probation officer and her former employer. The Committee noted an inconsistency between the letters submitted by Ms Boundford's former employer and her account. While the Committee had no explanation about how that inconsistency arose, it was not confident that Ms Boundford's former employer had been fully informed as to the circumstances of her offending but accepted that his opinion was that she was a very good hardworking employee.

The Committee first considered whether to conclude the case with no further action. In the light of the seriousness of the convictions and the fact that she repeatedly committed serious offences the Committee determined that concluding the case would not be appropriate. For the same reasons the Committee concluded that it would not be sufficient to conclude the case with a reprimand.

The Committee next considered whether to impose conditions upon Ms Boundford's registration. However, the issues in this case did not relate to her clinical practise and in the Committee's view her convictions seriously undermined public confidence in the dental profession. It therefore could not formulate appropriate or workable conditions.

The Committee next considered whether to suspend Ms Boundford's registration. The criminal convictions and failure to co-operate with her regulatory body are both very serious matters. Taking all of the circumstances into account together with the facts found proved,

the Committee is satisfied that suspension is necessary and proportionate and will serve to uphold proper standards of conduct and behaviour, and maintain public confidence in the profession.

The Committee next considered the period of suspension and for the reasons outlined in the paragraph above, concluded that the maximum period of 12 months is the only sufficient and proportionate period, in the circumstances of this case.

The Order will be reviewed shortly before the end of the period. This Committee has noted the recommendations of the Specialist Medical Practitioner in the report of September 2012, and the reviewing Committee may be assisted by seeing evidence of the steps Ms Boundford has taken to follow these. In addition, that reviewing Committee may be assisted by any evidence Ms Boundford can provide to show that she has kept her Continuing Professional Development (CPD) up to date. Ms Boundford may also provide any further testimonials or any other information she thinks might assist that Committee.

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In the light of the Committee's determination upon impairment and sanction, as well as its serious concerns in respect of public confidence in the profession being undermined, the Committee has concluded that immediate suspension of Ms Boundford's registration is necessary.

The effect of the forgoing direction and order is that the name of Rhianna Kay Boundford will be suspended from the Register with effect from the date that she is deemed notified of this decision. Unless she exercises her right of appeal, the substantive order of suspension will take effect 28 days from the date she is deemed notified of this decision.

That concludes the case."

On 17 April 2014 at a review hearing, the Chairman announced the determination as follows:

"Mr Bradley: This is a resumed hearing of Ms Boundford's case, pursuant to Rule 29 of the General Dental Council (Fitness to Practise) Rules Order of Council 2006 (the Rules). This was following a direction made by a Professional Conduct Committee (PCC) on 21 March 2013 that Ms Boundford's registration be suspended for 12 months, with a review hearing to take place shortly before that period.

Ms Boundford is neither present nor represented today. In her absence, the Committee first considered whether the Notification of Resumed Hearing had been sent to Ms Boundford in accordance with Rules 28 and 65. The Committee has received a copy of the Notice of Hearing letter, dated 4 March 2014, which was sent to Ms Boundford's registered address held by the GDC. That letter was sent to Ms Boundford by email, first class post and special delivery. A print out of the Royal Mail track and trace receipt confirms that the item was delivered to Ms Boundford's registered address on 5 March 2014 and was signed for in the name of 'Edmunds'. In addition, the Committee has received a covering letter dated 20 March 2014, enclosing a copy of the Notice of Hearing letter, dated 4 March 2014, which was sent to Ms Boundford's most recent address, the details of which she had notified to Blake Laphorn (the solicitors then acting on behalf of the GDC) by email dated 23 January 2014. That letter was sent to Ms Boundford by email, first class post and special delivery. A print out of the Royal Mail track and trace receipt confirms that the item was delivered to Ms



Boundford's most recent address on 21 March 2014 and was signed for in the name of 'Boundford'. In these circumstances, the Committee is satisfied that the Notification of Resumed Hearing has been sent to Ms Boundford in accordance with the Rules.

The Committee then went on to consider whether to exercise its discretion under Rule 54 to hear this case in the absence of Ms Boundford. You, on behalf of the GDC, have referred the Committee to the email dated 3 March 2013 from Ms Boundford to Sonia Claris, Case Review Officer at the GDC, in which Ms Boundford states that she is unable to attend this hearing due to her present financial situation. She has not requested an adjournment of today's hearing. You therefore submit that, in the light of this information, and given the serious nature of this case, it would be appropriate and in the interests of justice to proceed in the absence of Ms Boundford.

The Committee has accepted the advice of the Legal Adviser. It has borne in mind that the discretion to proceed in the absence of the respondent should be exercised with the utmost care and caution. The Committee has had regard to the email dated 3 March 2014 from Ms Boundford which sets out her reasons why she will not be attending this hearing. In these circumstances the Committee has concluded that Ms Boundford has voluntarily absented herself from these proceedings. Further, she has not sought an adjournment and there is no information before this Committee to suggest that an adjournment of today's hearing would make Ms Boundford's attendance more likely on a future date. Accordingly, the Committee is satisfied that it is appropriate and in the interests of justice to proceed in Ms Boundford's absence.

Ms Boundford's case was first considered by the PCC in March 2013. At that hearing the PCC found proved the charges against Ms Boundford in relation to her convictions for criminal offences and also her failure to co-operate with the GDC in respect of requests as to her health and fitness to practise.

Ms Boundford appeared before the Magistrates on three separate occasions between January and March 2012 in connection with five offences. On 3 January 2012 she was convicted of drink-driving; on 28 February 2012 she was convicted of common assault and on 16 March 2012 she was convicted of three offences - aggravated vehicle taking, driving whilst disqualified (which was in breach of a court order) and driving whilst uninsured.

The PCC noted that at the time of the offences Ms Boundford had been using alcohol inappropriately due to difficulties in her personal life. The PCC was concerned that Ms Boundford lacked appropriate strategies for coping with stress and was at risk of relapsing into the behaviour that led to her convictions. The PCC concluded that Ms Boundford had committed serious criminal offences, which included the breach of a court order by driving whilst disqualified. It considered that the criminal conduct undermined public confidence in the profession and was satisfied that her fitness to practise was impaired by reason of her convictions.

In regard to Ms Boundford's failure to co-operate with the GDC, the PCC heard that the GDC was notified by the police following Ms Boundford's conviction for drink-driving. As part of its investigation, the GDC wrote to Ms Boundford on several occasions between 13 February 2012 and 2 April 2012 and informed her of the timeline within which she was to provide a medical report from her General Practitioner (GP) regarding her health and fitness to practise. All of these letters had deadlines for a reply, none of which she met. Ms Boundford also failed to submit any evidence that she had followed the recommendations set out in a

report by a Specialist Medical Practitioner dated 18 September 2012. In an email to the GDC dated 6 March 2013 she stated that she had not complied with those recommendations. She also admitted that she had known of the requests by the GDC but she did not respond. Ms Boundford provided no adequate reason for her failure to respond. The PCC concluded that Ms Boundford's failure to co-operate with the GDC was serious and amounted to misconduct.

The PCC found that Ms Boundford lacked insight into her failings and the need to co-operate meaningfully with her regulatory body. The Committee determined that Ms Boundford's fitness to practise was impaired by reason of her misconduct.

The PCC directed that Ms Boundford's registration be suspended for a period of 12 months and that the suspension order should be reviewed before its expiry. It indicated that the Committee reviewing Ms Boundford's case might be assisted by evidence of the steps she had taken to follow the recommendations of the Specialist Medical Practitioner, as set out in the report of September 2012, together with evidence to show that she had kept her Continuing Professional Development (CPD) up to date.

At today's hearing, this Committee first considered whether Ms Boundford's fitness to practise remains impaired. In so doing, the Committee has taken into account all the information before it, as well as the submissions you have made on behalf of the GDC. It has accepted the advice of the Legal Adviser.

You have drawn the Committee's attention to the exchange of emails between the GDC and Ms Boundford since the initial PCC hearing in March 2013, in which the GDC has repeatedly advised her in regard to evidence that may assist her in demonstrating whether her fitness is no longer impaired. You say that Ms Boundford's engagement with the GDC has been infrequent and that she has provided no evidence of any steps she has taken to follow the PCC's recommendations. The bundle of documents contains two emails from Ms Boundford; one dated 23 January 2014 to Blake Laphorn, concerning her change of address and a second email, dated 3 March 2014, to Sonia Claris, GDC Case Review Officer, in response to Ms Claris' email dated 28 February 2014. In the email of March 2014 Ms Boundford states that she is no longer registered and that since the events she has "changed her life around straight away", describing the incidents she was involved in as being "totally out of character". She states that she is now married and has a child and is now a "responsible member of the public." Ms Boundford further invites the GDC to carry out a CRB check to show that she has not been involved in any incidents since her first conviction two years ago. Finally, Ms Boundford says that she can write a submission that may be used at her forthcoming hearing. However, no further information from Ms Boundford has been received.

You have submitted that Ms Boundford's fitness to practise remains impaired on the basis that she has provided no information to the Committee of her CPD or of what she has learnt from her convictions, despite being repeatedly advised to do so by the GDC. You also refer to her limited engagement with the GDC. In these circumstances, you have invited the Committee to extend the suspension order for a period of 12 months.

Throughout its deliberations, this Committee has exercised its own independent judgement and reminded itself of its primary duty to consider the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and of behaviour.



The Committee acknowledges that the recent medical reports indicate no alcohol dependence in Ms Boundford. Nevertheless, it has borne in mind the absence of any evidence from Ms Boundford as to the information recommended by the PCC at the hearing in March 2013, despite being given repeated advice about this by the GDC. This included evidence of her CPD and the recommendations of the Specialist Medical Practitioner in the report of September 2012. In addition, there is no evidence to satisfy this Committee that she has reflected and understood the seriousness of her convictions. In the absence of such reflection, the risk of repetition may remain. Moreover, the Committee is concerned by her limited engagement with the GDC over a prolonged period of time. In these circumstances, the Committee has concluded that the matters of concern identified by the PCC in March 2013 still remain. Accordingly, the Committee has determined that her fitness to practise remains impaired.

Having reached that finding, the Committee next considered what action, if any, to take in relation to her registration. In so doing, the Committee has taken into account the Guidance for the Professional Conduct Committee (November 2009). It is mindful that the purpose of a sanction is not to be punitive, but to protect patients and the wider public interest. The Committee has applied the principle of proportionality, weighing the public interest with Ms Boundford's own interests.

The Committee first considered whether a period of conditional registration would be sufficient in this case. In so doing, it has borne in mind the absence of any evidence from Ms Boundford regarding her CPD progress and the other suggestions made by the PCC. It has also had regard to her limited engagement with the GDC since the allegations of fitness to practise were first raised. Accordingly, the Committee could not be confident that Ms Boundford would comply with an order for conditions. It has therefore concluded that an order of conditions would not be sufficient for the protection of patients or in the wider public interest.

The Committee therefore considered whether to direct that the suspension of Ms Boundford's registration be extended for a further period. The Committee has borne in mind the absence of any evidence to satisfy it that she has addressed the concerns identified by the PCC in March 2013. It has also had regard to the serious nature of the criminal convictions and to her limited engagement with her regulatory body. Accordingly, in all the circumstances of this case, and in the interests of public protection, the Committee directs that Ms Boundford's registration be suspended for a further period of 12 months. The Committee is satisfied the maximum period of 12 months is necessary in the circumstances of this case.

A Committee will further review her case at a resumed hearing to be held shortly before the end of the period of suspension. The reviewing Committee may well be assisted by any evidence Ms Boundford can provide of evidence of current CPD, testimonials or any other information she thinks might assist that Committee.

The effect of the foregoing direction is that, unless Ms Boundford exercises her right of appeal, her registration will be suspended for a further period of 12 months, beginning with the date on which the previous period of suspension would otherwise expire. She will have 28 days from the date when written notification of this decision is deemed to have been served on her to appeal against this Committee's direction. In the event that she does an appeal, the period of suspension previously imposed on her registration will continue to remain in force until the appeal has been decided.

That concludes today's hearing."

On 31 March 2015 at a review hearing, the Chairman announced the determination as follows:

"Ms Donnelly,

This is a resumed hearing pursuant to Section 36Q of the Dentists Act 1984 (as amended) (the Act).

This case was first considered by the Professional Conduct Committee (PCC) on 21 March 2013. That Committee directed that Ms Boundford's registration should be suspended for a period of 12 months with a review hearing to take place prior to the end of the 12 month suspension. On 17 April 2014, the PCC reviewed this case and directed that Ms Boundford's registration should be suspended for a further period of 12 months with a review hearing to take place prior to the end of that period.

#### Service of notice of hearing and proceeding in the absence of the respondent

Ms Boundford was neither present nor represented at this hearing. The Committee first considered whether the Notice of Resumed Hearing had been sent to Ms Boundford in accordance with Rules 28 and 65 of the General Dental Council (Fitness to Practise) Rules Order of Council 2006. It saw a copy of the notice of hearing letter dated 30 January 2015 which was sent to Ms Boundford's registered address via special delivery. It also saw a copy of the Royal Mail track and trace print out which confirmed that the item was delivered on 31 January 2015 and signed for in the printed name of 'R.BOUNDFORD'. A copy of the notice of hearing was also sent to Ms Boundford by email to an address held by the GDC. The Committee was satisfied that the notice of hearing had been duly sent to Ms Boundford in accordance with the Rules.

The Committee then went on to consider whether to exercise its discretion under Rule 54 to hear this case in the absence of Ms Boundford. You referred the Committee to the considerations set out in R v Jones. You submitted that the notice of hearing was sent 2 months in advance of this hearing. You informed the Committee that Ms Boundford has had sporadic engagement with the GDC throughout the past 2 years. The Committee had regard to the legal advice that this discretion must be exercised with the utmost care and caution. There is no information from Ms Boundford in relation to her non-attendance at this hearing. The Committee was of the view that Ms Boundford had voluntarily absented herself from this hearing. The Committee took account of Ms Boundford's infrequent engagement with the GDC and determined it was unlikely that an adjournment would secure her attendance at a future date. Further, Ms Boundford has not requested an adjournment of the hearing. The Committee decided that given the serious nature of this case, it is in the public interest to exercise its discretion to proceed with this hearing today notwithstanding Ms Boundford's absence.

#### Background

Ms Boundford appeared before the Magistrates on three separate occasions between January and March 2012 in connection with five offences. On 3 January 2012 she was convicted of driving with excess alcohol and disqualified for driving for 18 months. On 28 February 2012 she was convicted of common assault for which she was placed under a curfew for 6 weeks and fined. Then on 16 March 2012 she was convicted of three offences

of aggravated vehicle taking, driving whilst disqualified (which was in breach of a Court Order) and driving whilst uninsured. That PCC concluded that Ms Boundford had committed serious criminal offences and her criminal conduct undermined public confidence in the profession.

In relation to Ms Boundford's failure to co-operate with the GDC, that PCC heard that as part of its investigations, following the receipt of information from the police, the GDC wrote to Ms Boundford on several occasions between 13 February 2012 and 2 April 2012 requesting a report. These letters contained deadlines for a reply, none of which were met. Ms Boundford also failed to submit any evidence that she had followed the recommendations set out in a report dated 18 September 2012. In an email to the GDC dated 6 March 2013 Ms Boundford stated that she had not complied with those recommendations. She also admitted that she had known of the requests by the GDC but she did not respond. That PCC concluded that Ms Boundford's failure to co-operate with the GDC was serious and amounted to misconduct. That Committee also concluded that Ms Boundford's fitness to practise was impaired by reason of her misconduct and her convictions. It directed that Ms Boundford's registration be suspended for a period of 12 months and made recommendations of evidence that Ms Boundford could present at the review hearing.

On 17 April 2014, a PCC reviewed Ms Boundford's case. It noted the absence of any evidence from Ms Boundford in relation to the information recommended by the PCC of March 2013 despite repeated reminders by the GDC. This included evidence of her Continuing Professional Development (CPD) That Committee was also of the view that there was no evidence to satisfy it that Ms Boundford had reflected and understood the seriousness of her convictions. It was concerned by Ms Boundford's limited engagement with the GDC over a prolonged period of time. That Committee concluded that in the absence of any reflection, the risk of repetition remained. It determined that Ms Boundford's fitness to practise remained impaired and directed that her registration be suspended for a further period of 12 months.

Today this Committee has considered all the evidence presented. It has taken account of your submissions on behalf of the GDC. The Committee has accepted the advice of the Legal Adviser.

#### Impairment

The Committee first considered whether Ms Boundford's fitness to practise remains impaired. In reaching its decision, the Committee exercised its own independent judgement. It bore in mind that its duty is to consider the public interest which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.

You submitted that in considering the issue of impairment, the Committee will need to decide whether Ms Boundford has remedied her conduct since the criminal convictions; whether her fitness to practise is still impaired; and if so, what sanction to impose. You submitted that Ms Boundford was convicted of 5 serious criminal offences within 3 months, one of which involved a breach of a Court Order. You said that such conduct brought the profession into disrepute. You submitted that Ms Boundford has presented no evidence of remorse or insight which would reassure the Committee that her actions will not be repeated. You said that was evidence of Ms Boundford's disengagement from the dental profession. You submitted that given the lack of any evidence from Ms Boundford, the serious nature of her

criminal convictions and the number of those convictions within a short period of time, her fitness to practise is still impaired.

The Committee was concerned that Ms Boundford has not engaged with the GDC since her email in March 2014. Ms Boundford has not provided any evidence of remediation or insight into the events which led to her convictions. There is no evidence of current continuing professional development or testimonial references on her behalf.

Ms Boundford had also not complied with the recommendations made by the previous PCCs. Ms Boundford was reminded of these recommendations by the GDC in correspondence in April and December 2014 and again in March 2015. There has been no response from Ms Boundford. In view of the lack of engagement, absence of CPD hours and failure to demonstrate insight, the Committee concluded that Ms Boundford's fitness to practise remains impaired.

### Sanction

The Committee has considered what sanction if any to impose on Ms Boundford's registration. It reminded itself that the purpose of sanctions is not to be punitive, but to protect patients and the wider public interest. The Committee applied the principle of proportionality, balancing the public interest with Ms Boundford's own interests.

You submitted that suspension of Ms Boundford's registration is still appropriate in light of the concerns identified by the previous Committees and the continued lack of engagement from her. You invited the Committee to consider suspending Ms Boundford's registration indefinitely. You submitted that Ms Boundford's registration has been suspended continually since 23 April 2013. You referred the Committee to section 36Q (1)(d) the Act which lists the criteria that must be met in order for an immediate suspension to be imposed by a Practice Committee.

The Committee first considered whether to revoke the suspension order on Ms Boundford's registration. It was of the view that although there is no evidence of further convictions on Ms Boundford, she has demonstrated very little insight into the events which led to her convictions. The Committee concluded that it would be inappropriate to revoke the suspension on Ms Boundford's registration.

The Committee then considered whether to revoke the suspension and replace it with a direction for conditional registration. In light of Ms Boundford's lack of engagement with the GDC, it was of the view that conditions would not be workable. Ms Boundford was clearly advised in the determinations of the previous PCCs of the information that would assist a Committee reviewing her case. There has been no evidence submitted by Ms Boundford in response to those recommendations and as such the Committee was not assured that conditions would be complied with. The Committee concluded that conditions would neither be appropriate nor sufficient to protect the wider public interest.

The Committee then considered whether to continue the current suspension for a further 12 months. There have been no changes since the previous review hearing in April 2014. Ms Boundford has not engaged with the GDC since March 2014. The Committee noted that in her email of 3 March 2014, Ms Boundford indicated that she had recently started a family. However, the Committee was of the view that it demonstrated a lack of engagement with and responsibility to the profession for a registrant not to respond to communications from her regulator. The Committee also noted Ms Boundford's comments in her email of 3 March

2014 as to how she had changed her life. However there is no independent evidence before the Committee in the form of a testimonial to support her comments. There has been a paucity of engagement from Ms Boundford and the Committee is not confident that extending the current period of suspension is appropriate in these circumstances. The Committee noted that Ms Boundford has been suspended continuously since April 2013. It determined that the appropriate direction to make is one of indefinite suspension. The Committee was satisfied that an indefinite suspension is appropriate and sufficient to protect the wider public interest.

Accordingly the Committee directs that Ms Boundford's registration be suspended indefinitely pursuant to section 36Q (1)(d) of the Act.

The effect of the foregoing direction when taken together with section 36W of the Act is that, unless Ms Boundford exercises her right of appeal, her registration will be suspended indefinitely, from the date on which the previous period of suspension would otherwise expire. She will have 28 days from the date when written notification of this decision is deemed to have been served on her to appeal against this Committee's direction. In the event that she does appeal, the period of suspension previously imposed on her registration will continue to remain in force until the appeal has been decided.

That concludes the hearing."