

PUBLIC HEARING**Professional Conduct Committee
Initial Hearing****24 – 25 October 2023**

Name: GOMA, Amandeep
Registration number: 250632
Case number: CAS-198570-J3W9JF

General Dental Council: Rebecca Vanstone, Counsel/Case Presenter.
Instructed by Rochelle Williams IHLPS.

Registrant: Present and represented by Alan Jenkins Counsel. (Direct Access)

Fitness to practise: Impaired by reason of conviction

Outcome: Erased

Immediate order: Immediate suspension order

Committee members: Jill Crawford (Chair and Lay member)
Christopher Parker (DCP Member)
Stephanie Yarwood (Dentist Member)

Legal adviser: Karen Rea

Committee Secretary: Gurjeet Dhuper

1. This is a Professional Conduct Committee hearing. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams in line with current GDC practice. You are present and represented by Alan Jenkins (Counsel). Ms Rebecca Vanstone (Counsel) is the Case Presenter for the GDC.

Preliminary matters

Application to amend the charge (24 October 2023)

2. Ms Vanstone made an application under Rule 18 of Rules to amend the charge. She submitted that the GDC offers no evidence to support Charge 3 and applied to withdraw Charge 3 in its entirety and then deleting 'misconduct' as the associated ground of impairment. Mr Jenkins raised no objection to the application.
3. The Committee accepted the advice of the Legal Adviser. It heard that the GDC made efforts to secure documentation from the police in relation to Charge 3 but was not supplied with any. It had regard to the police correspondence bundle which showed that the GDC had made many efforts over four months to obtain relevant evidence from the police and had not been successful. It therefore acceded to the application as the charge remains evidentially unsupported. The Committee was satisfied that this amendment would not prejudice or cause any injustice to you. It considered that it was reasonable and fair for the amendment to be made. The charge was duly amended.

Admissions

4. Mr Jenkins on your behalf made full admissions to Charge 1 and 2 in their entirety. The Committee accepted your admissions and found them proved.

1.	<p>On 12 October 2021, at Southwark Crown Court, you were convicted of engaging in controlling/coercive behaviour in an intimate/family relationship between 07 March 2020 and 15 November 2020, contrary to section 76(1) of the Serious Crime Act 2015.</p> <p>ADMITTED AND FOUND PROVED</p> <p>The Committee finds this charge proved by virtue of your admission and on the basis of the certificate of conviction of which it had sight. The facts are found proved in accordance with Rule 57 (5) which states:</p> <p><i>57 - (5) Where a respondent has been convicted of a criminal offence—</i> <i>(a) a copy of the certificate of conviction, certified by a competent officer of a court in the United Kingdom (or, in Scotland, an extract conviction)</i> <i>shall be conclusive proof of the conviction.</i></p>
2.	<p>On 30 November 2021, at Westminster Magistrates' Court, you were convicted of:</p>

	<p>a. Criminal damage on 30 June 2021, contrary to sections 1 and 4 of the Criminal Damage Act 1971;</p> <p>b. Assault by beating on 18 June 2021, contrary to section 39 of the Criminal Justice Act 1988;</p> <p>c. Assault by beating on 30 June 2021, contrary to s39 of the Criminal Justice Act 1988.</p> <p>ADMITTED AND FOUND PROVED</p> <p>For the same reasons as Charge 1.</p>
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The Committee now move to stage 2.

Decision on fitness to practise

5. The Committee has had regard to the submissions made by Ms Vanstone on behalf of the GDC and those by Mr Jenkins made on your behalf, and it accepted the advice of the Legal Adviser.
6. Ms Vanstone began by addressing the Committee on impairment and sanction. She submitted that the convictions in this case represent serious offences because of the breach of trust, given the intimate relationship between you and each complainant. The Committee will need to consider that as a result of your convictions whether your fitness to practise is impaired. It was her submission that there is no question that it is. Ms Vanstone submitted that your offending behaviour was serious and sustained. The Committee cannot be satisfied the conduct has been entirely remediated. She submitted that there are clear issues as to the wider public interest and a need for the Committee to uphold the confidence in the profession and in the GDC as a regulator.
7. In addition, there are concerns about whether your conduct has been remedied and whether you pose a risk to anyone you enter into an intimate relationship with. Ms Vanstone addressed the Committee on your insight. She submitted that you pleaded not guilty for all offences which you were subsequently convicted of at trial. In the statement prepared for this hearing, you stated that part of the reason you denied the offences was because there were other allegations, not part of criminal charges which you did not accept. It was Ms Vanstone's submission that this is an inadequate explanation as to why you denied the offences. She submitted that there is no evidence of proper recognition and true remorse.
8. Ms Vanstone next addressed the Committee on sanction and invited the Committee to consider concluding this case by directing that your registration be erased given the seriousness of your convictions.

9. Mr Jenkins informed the Committee that you accept your fitness to practise is currently impaired. He referred the Committee to the pre-sentence report which sets out the background **[PRIVATE.]**
10. In relation to your insight, Mr Jenkins outlined that you have been convicted and not appealed against these convictions and taken appropriate steps to remediate which included attending courses. He invited the Committee to ask itself, what more can you do. Mr Jenkins referred the Committee to your written statement which sets out your position and your understanding that your past behaviour was unacceptable. He described you as a good and useful dentist and it would therefore be open to the Committee to impose a conditions of practice order on your registration to undertake further reflection and avoid any risk of repetition. Alternatively, if the Committee did not agree, then it may feel that an order of suspension may be more appropriate although, the Committee should bear in mind that your registration has been suspended since 2021 by an interim orders Committee.

Current impairment

11. The Committee considered whether your fitness to practise is currently impaired by reason of your convictions. It was of the view that it would be difficult to remedy your behaviour which was of a serious nature, but not impossible. It considered that you would need to embark on genuine meaningful reflection. This would include a full understanding and acknowledgement of the impact of your behaviour on your victims, **[PRIVATE]** and on the public confidence of the profession as well as demonstrating remorse, steps taken to prevent recurrence and how your behaviour has changed.
12. The Committee noted that you have multiple serious convictions all relating to abusive behaviour towards people with whom you have an intimate relationship. It took into account of the relevant background information provided in the memorandum of convictions, the pre-sentence report and the Crown Court Judge's sentencing remarks.
13. In relation to Charge 1, the complainant (Complainant 1) **[PRIVATE]**. On 16 November 2020 the police responded to a complaint made by her where she stated that she had been subjected to multiple incidents of domestic violence for a prolonged period of time. She reported 13 specific incidents between March-November 2020. These complaints included serious allegations of violent threatening and abusive behaviour that caused her harm. The Committee noted the Judge's remarks are follows: *"You were persistently violent to her, hitting her and pulling her hair, **[PRIVATE]**, and the jury saw photographs of some of the injuries that you caused. You subjected her to repeated threats if she did something which displeased you. This included threatening to pour bleach down her throat because you took the view that she had not cleaned a part of the flat to the required standard. On another occasion you threatened to slit her throat, and things got so bad that she took to recording what you were doing on her mobile phone, recordings that were played to the jury during the course of your trial. You also sent her a steady stream of threatening and abusive text messages. The jury was shown a schedule of these messages during the course of your trial,*

and they make for truly shocking reading. You repeatedly called her a ‘fucking moron, a fucking bitch, a mother fucking cunt and a fucking piece of shit,’ and through violence and surveillance you sought to control every aspect of her life, to the point that her life became so unbearable that she eventually called the police.”

14. The Committee also took into account that Complainant 1 reported that when you had been monitoring her with the surveillance camera set up in your home, you would become angry if she tried to move it and if you could not see the complainant present you would call her and demand to know where she was or that she would face a beating. The Crown Court Judge imposed a period of 30 months imprisonment.
15. In relation to Charge 2, the complainant **[PRIVATE]** (Complainant 2). The Committee noted that these offences had been committed after you had been arrested for the offences against Complainant 1 whilst you were on bail for them. You denied the offences against Complainant 2 and you were convicted after a trial at the Magistrates’ Court, and were sentenced to a total term of imprisonment of 6 months. This was to run consecutively with your imprisonment period imposed for offences against Complainant 1, resulting in an overall imprisonment sentence period of 3 years. It was recorded in a schedule to your certificate of conviction that the offence was so serious because Complainant 2 was vulnerable, the assault occurred in a domestic context, it was committed whilst you were on bail to the Crown Court, the attack was prolonged, caused greater harm and had higher culpability.
16. The Committee had regard to the contents of the defence bundle and your oral evidence. It noted your expressions of remorse and that you apologised for your past behaviour. The Committee also had regard to the courses you have undertaken in relation to your offending behaviour albeit there was no formal written reflection in relation to these courses. It noted your extensive continuing professional development. The Committee noted that you consider your fitness to practise is currently impaired.
17. Having considered your written and oral evidence carefully the Committee was not satisfied you have achieved meaningful insight. You repeatedly described your behaviour as ‘unacceptable’. You suggested that you could have sought professional help to sort out the ‘differences’ between you and Complainant 1 rather than resorting to your offending behaviour. You told the Committee you thought the public and dental community would be ‘cautious’ of what had happened. You failed to tell the Committee in any meaningful way about the mental and physical harm you caused to both victims despite being given the opportunity to do so. Rather, you focused on the impact that these proceedings have had on you, your finances and how your patients could be affected. The Committee considered that your evidence indicated you do not have insight into the gravity of your repeated conduct and its likely impact on victims and on public confidence in the profession.
18. The Committee noted that you denied all the criminal allegations of the abusive behaviour of which you were later found guilty.
19. Given your very limited insight and remediation, the Committee concluded that the risk of repetition of your abusive behaviour was high. Therefore, the Committee concluded that the risk of harm to the health, safety and welfare of the public remains.

20. The Committee determined a finding of no impairment would seriously undermine public confidence in the dental profession as well as the regulatory process. Your convictions relate to severe and sustained abusive behaviour which caused harm to the victims. You are currently subject to two ongoing restraining orders in relation to Complainant 1 and Complainant 2. You remain on licence from prison until November 2024. The Committee has a duty to declare and uphold standards within the dental profession, and to maintain public confidence in the regulatory process itself. Your behaviour represents a significant departure from Standards 9 and 9.1 of the GDC Standards. The Committee concluded that an informed and reasonable member of the public would be shocked and troubled if a finding of impairment were not made.
21. Accordingly, the Committee determined that your fitness to practise is currently impaired by reason of your conviction on the grounds of the public interest in upholding and maintaining confidence in the profession and on public protection grounds.

Sanction

22. The Committee considered what sanction, if any, to impose on your registration. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect patients and the wider public interest. In reaching its decision, the Committee had regard to the GDC's '*Guidance for the Practice Committees including Indicative Sanctions Guidance*' (Effective from October 2016; last revised in December 2020). It applied the principle of proportionality, balancing the public interest with your interests.
23. In deciding on the appropriate sanction, the Committee first considered the issue of mitigating and aggravating factors. The Committee considered the material within the defence bundle including testimonials, CPD material and courses undertaken in relation to your offending behaviour. The Committee had regard to paragraph 5.16 of the Guidance, which states: "*In some cases, a registrant's conduct or performance may be so seriously below appropriate standards that he or she will be judged to be fundamentally unsuited for registration as a dental professional: in that case, remorse, apologies or positive personal qualities would not be relevant considerations. Similarly, because past conduct can call into question current fitness to practise, time having elapsed may not provide mitigation for certain behaviours, in the context of continuing registration and the public interest.*"
24. The Committee noted that you have no previous fitness to practise history. Other than this, it considered that it was difficult to identify any mitigating factors in this case. The Committee did not consider your apologies or your remedial courses were significant mitigating factors in the light of its conclusions about the limitations of your insight.
25. The Committee identified the following aggravating features:
- actual harm caused to vulnerable individuals [PRIVATE];
 - repeated convictions of a similar nature;
 - your conduct was premeditated;

- your actions involved a breach of the trust;
- the offences were sustained and repeated over a period of time; and
- your very limited insight, remorse and remediation.

26. Taking all of these factors into account the Committee considered the available sanctions, starting with the least restrictive, as it is required to do. The Committee first considered whether to conclude this case without taking any action in relation to your registration. It decided, however, that such a course would be wholly inappropriate, would not serve to protect the public, nor would it satisfy the wider public interest.

27. The Committee considered whether to issue you with a reprimand. However, it similarly concluded that a reprimand would be insufficient to protect the public and the wider public interest, and would be disproportionate in all the circumstances. A reprimand is the lowest sanction which can be applied, and it would not impose any restriction on your practice. A reprimand is usually considered to be appropriate where there is no identified risk to patients or the public, and the convictions are at the lower end of the spectrum. This is not such a case.

28. The Committee next considered whether to impose conditions on your registration. However, it decided that conditional registration would not address any of the concerns raised by the Committee in terms of public protection, or manage the wider public interest, particularly public confidence in the dental profession. It did not consider conditions to be the appropriate vehicle to address serious non clinical behavioural concerns; no meaningful or workable conditions could be formulated to manage the risks identified.

29. The Committee went on to consider whether to suspend your registration for a specified period. In doing so, it had regard to the Guidance at paragraph 6.28, which outlines factors to be considered when deciding whether the sanction of suspension would be appropriate. The Committee considered that a number of the factors set out in this paragraph applied in this case, namely that:

- there is evidence of repetition of the behaviour, in that your conduct was sustained and repeated over the material time including whilst on bail;
- you have shown very limited insight;
- the Committee has identified a significant risk of repeating the behaviour; and
- public confidence in the profession would be insufficiently protected by a lesser sanction.

30. The Committee considered the wider public interest to be fundamental in a case such as this, involving sustained and repeated conduct, a lack of insight, serious convictions involving harm caused to vulnerable people. You caused harm to others for a prolonged period of time and you continued whilst you were arrested and on Crown Court bail. The Committee did not accept your explanation that you behaved in the way you did in part due to stress/Covid-19. In addition, the Committee considered that you demonstrated an unrelenting underplay in your language as to the impact of your behaviour on those it was directed at and to the wider public confidence. It was of the view that your behaviour was a significant departure from the GDC standards and is indicative of a deep seated and harmful attitudinal problem. For these

reasons, the Committee concluded that suspension was not sufficient and proportionate to the public interest in this case.

31. The Committee has concluded that the risk of repetition and, therefore, the potential for harm, is significant. Whilst recognising that, in the main, any sanction imposed by this Committee will not mitigate risk to anyone you are in an intimate relationship with, it notes that one of the victims of your offending behaviour was a workplace colleague. It therefore considers that there are also public protection concerns in this case.
32. Given the Committee's concerns about the risk of harm posed by you and given the Committee's duty to promote and maintain public confidence and proper standards in the dental profession, it considered whether the highest sanction of erasure is necessary and proportionate.
33. The Committee had regard to paragraph 6.34 of the Guidance which deals with erasure. This paragraph states that, *"Erasure will be appropriate when the behaviour is fundamentally incompatible with being a dental professional: any of the following factors, or a combination of them, may point to such a conclusion:*
 - *serious departure(s) from the relevant professional standards;*
 - *where serious harm to patients or other persons has occurred, either deliberately or through incompetence;*
 - *where a continuing risk of serious harm to patients or other persons is identified;*
 - *the abuse of a position of trust...;*
 - *a persistent lack of insight into the seriousness of actions or their consequences.*
34. The Committee noted that the above factors from paragraph 6.34 apply in this case, which, in its view, demonstrates the seriousness of the matters concerning you.
35. The Committee had regard to the potential hardship which erasure may cause you and your family. However, in view of your very limited insight and the seriousness of your abusive behaviour underpinning the convictions, it considered that no lesser sanction than an order of erasure would be sufficient to protect the public or satisfy the wider public interest considerations in this case. It was satisfied that a reasonable and informed member of the public would expect an outcome of erasure. The Committee concluded that your interests are outweighed by the need to protect the public and satisfy the wider public interest in declaring and upholding professional standards and maintain public confidence in the profession and the regulatory process.
36. In the particular circumstances of this case, the Committee was satisfied that your offending behaviour, marked by your convictions, is fundamentally incompatible with continued registration as a dental professional and the Committee determined to erase your name from the GDC Register.

37. Unless you exercise your right of appeal, your name will be erased from the Register, 28 days from the date when notice of this Committee's direction is deemed to have been served upon you.
38. The Committee now invites submissions from Ms Vanstone and Mr Jenkins as to whether an immediate order of suspension should be imposed on your registration to cover the appeal period, pending this substantive determination taking effect.

Decision on an Immediate order

39. In reaching its decision on whether to impose an immediate order of suspension on your registration, the Committee took account of Ms Vanstone's submission that such an order should be imposed. She submitted that in circumstances where public protection and public interest issues are so fundamentally engaged, an immediate order is necessary on both grounds. Mr Jenkins submitted it is not necessary to impose an immediate order on your registration and highlighted this would restrict you should you appeal.
40. The Committee accepted the advice of the Legal Adviser.
41. The Committee determined that the imposition of an immediate order is required in the wider public interest. It has set out the very serious public interest concerns your convictions raise and the reasons for this. It has determined that you are not fit to remain on the GDC Register. Taking into account the nature and circumstances of this case set out above, the Committee considered that public confidence in the dental profession and the regulatory process would be seriously undermined in the absence of an order suspending your registration immediately. The Committee concluded it was also necessary on grounds of public protection for the reasons set out above. It considered that it would be inconsistent not to impose an immediate order following its substantive decision of erasure and was satisfied that it was proportionate in all the circumstances.
42. The effect of the foregoing determination and this order is that your registration will be suspended from the date on which notice is deemed to have been served upon you. Unless you exercise your right of appeal, the substantive direction for erasure, as already announced, will take effect 28 days from the date of deemed service.
43. Should you exercise your right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.
44. The interim order currently in place on your registration in relation to the matters in this case is hereby revoked.
45. That concludes this determination.