

HEARING PART-HELD IN PRIVATE

Professional Conduct Committee Review Hearing

28 February 2025

Name: OSAGIE, Success

Registration number: 278204

Case number: CAS-199250-G8W8R0

General Dental Council: Abimbola Johnson, Counsel
Instructed by Holly Watt, IHLPS

Registrant: Present
Unrepresented

Fitness to practise: Impaired by reason of misconduct

Outcome: Conditions extended (with a review)

Duration: 12 Months

Committee members: Michael Speakman (Chair, Dentist member)
Valerie Atkinson (Lay member)
Lynne Frewin (DCP member)

Legal adviser: Jenny Appleton

Committee Secretary: Paul Carson

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

Ms Osagie,

1. This is a resumed hearing pursuant to section 36Q of the Dentists Act 1984 ('the Act'). The hearing was conducted remotely by Microsoft Teams video-link. Part of this hearing was held in private under Rule 53 of the General Dental Council (Fitness to Practise) Rules 2006 to protect your right to a private and family life.

2. On 27 July 2022 the Professional Conduct Committee (PCC) found your fitness to practise to be impaired by reason of misconduct and directed that your registration be suspended for a period of 9 months with a review. You were neither present nor represented at the initial hearing before the PCC in July 2022 but had made written submissions for consideration by the Committee.

3. The misconduct found by the July 2022 PCC related to your providing tooth whitening treatment on one or more occasions between 27 February 2019 and 22 September 2019 without a prescription from a dentist. This was beyond your Scope of Practice as a dental hygienist/therapist and also meant that you had provided treatment without holding adequate indemnity insurance, as any indemnity arrangements you would have had in place would not have covered you for treatment which was beyond the scope of your professional registration.

4. In finding your fitness to practise to be impaired, the July 2022 PCC stated:

'By its nature, working beyond scope of practice is capable of remediation. However, the Committee noted there was little, if any, evidence before it of any remediation. The Committee had regard to Ms Osagie's written statements to the GDC where she stated that she "had failed to refer to or familiarise herself with the GDC scope of practice on teeth whitening." She went on to state that she was "now fully aware of her error" and apologised. Ms Osagie stated that she has since resigned from the practice and has not carried out tooth whitening without prescription from a dentist. The Committee accepts that Ms Osagie expressed some remorse and apologised for her actions.

However, the Committee notes that Ms Osagie attended a tooth whitening course in November 2018, three months before being employed at the Practice to carry out tooth whitening treatment. The Committee had regard to Witness 3's written and oral evidence in this hearing. Witness 3 is a Registered Dental Hygienist and teaches a tooth whitening course which is designed for qualified GDC registered dental hygienists and dental therapists. Witness 3 explained that she knew Ms Osagie from attending the course and explained that "Registrants who attend the course should be aware of their full scope of practice. There is reference throughout the course around the Scope of Practice relating to tooth whitening, such as the requirement to work under prescription from a dentist..."

The Committee did not consider that Ms Osagie fully understood the serious risk posed by working outside her scope of practice. It had regard to the expert evidence that Ms Osagie

could not be sure what products she was using and the ingredients contained within them. This could have caused harm to patients. Further, it did not accept Ms Osagie's explanation that she had failed to familiarise herself of the GDC scope of practice on tooth whitening, particularly as she had attended a course on tooth whitening and learned about the requirements. This demonstrated to the Committee that Ms Osagie has shown limited insight into her failings nor has she properly reflected on these matters.

The Committee determined that the scope of Ms Osagie's practice should have been at the forefront of her mind as a registered dental care professional and considered that, given the absence of adequate insight and her lack of remediation, there remains a real risk of repetition dispute her assertion that she is "now fully aware of her error."

The misconduct identified in this case was, in the view of the Committee, significant enough that the need to uphold proper professional standards and maintain public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances of this case. Having regard to the foregoing the Committee has concluded that Ms Osagie's fitness to practise is currently impaired by reason of her misconduct.'

5. In directing that your registration be suspended for a period of 9 months with a review, the July 2022 PCC suggested that a future reviewing Committee might be assisted by evidence of your reflections upon your misconduct, the importance of adhering to the GDC's *Standards for the Dental Team* and other guidance, and your understanding of the impact that working beyond the Scope of Practice, and without adequate indemnity insurance, has on public confidence in the dental profession.

6. The PCC reviewed the suspension on 4 May 2023 on the papers, in your absence and that of the GDC. In determining that your fitness to practise remained impaired, the May 2023 PCC stated:

'The Committee has not been provided with any information to suggest that Miss Osagie has taken any steps to develop insight into and remediation of her misconduct, or indeed that she is minded to do so in the future. The Committee therefore considers that the public is still at unwarranted risk of harm arising from Miss Osagie's unremediated misconduct. Accordingly, Miss Osagie's fitness to practise remains impaired.

The Committee also considers that a finding of current impairment is again needed to maintain public trust and confidence in the profession and to declare and uphold proper professional standards of conduct and behaviour. It considers that the misconduct that the index Committee found in relation to working without adequate indemnity insurance and beyond the scope of practice requires a further finding of impairment in the public interest.'

7. The May 2023 PCC directed that the suspension of your registration be extended by a further period of 12 months with a review. The May 2023 PCC reiterated the following factors which might assist the next reviewing Committee, including evidence of her *"reflections upon the misconduct that it had found, the importance of adhering to the GDC's Standards for the Dental Team and other guidance, and her understanding of the impact that working beyond the scope of practice and without adequate indemnity insurance has on public confidence in the profession"*.

8. On 11 April 2024 the PCC reviewed the suspension. You were present at the hearing on that occasion and represented yourself. The 11 April 2024 PCC heard oral evidence from you and also had regard to your written reflections and evidence of your Continuing Professional Development (CPD) activity. In its determination, the April 2024 PCC stated:

'In your oral evidence, you extended your "deepest apologies" for what happened. You said that whilst you did not seek to excuse your misconduct, you were very young at the time, having only just finished university. You said that you were ready to learn everything you could about dentistry within the dental therapist scope of practice, and you did not give any thought to issues such as indemnity, direct access, and the association between them.

You explained that you had been enrolled on a dental therapist foundation course, which you left in order to go and work at the practice in question, providing direct access dental services. You said that it was not actually a dental practice but was essentially a beauty salon. You said that your working environment at this establishment was "difficult" and "chaotic" and that you struggled to uphold the standards to which you should have been working. You stated that you left your employment there "abruptly". You said that you know now that you should have not been working there, as it was not a safe place to work. You told the Committee that you did not provide tooth whitening services again after leaving your job there.

You further told the Committee why you did not attend the first two PCC hearings in respect of this case. [PRIVATE].

You stated that you could comfortably say that you were "wrong and foolish" about what you did, and that you recognised that you were too inexperienced to work in a setting without adequate support. You told the Committee that you have no intention of considering direct access work in the near future, and that, if permitted, you wish to remain in a role working where patients are referred to you and carrying out dental work prescribed by a dentist.

You said that you understood and agreed with the draft conditions proposed by the GDC. You explained your intention would be to re-apply for the dental therapist foundation course, which is a 12-month course of study that would involve the supervision of your work.'

9. The April 2024 PCC found that your fitness to practise continued to be impaired on public protection grounds alone, stating:

'The Committee considered the evidence of your CPD, and in doing so it noted that at the material time of the events in this case you had not been in clinical practice long. Further, that you have been suspended from practice for a considerable period of time. Notwithstanding this, the Committee considered that you have made some efforts towards completing CPD that is relevant and targeted to the concerns.

The Committee also took into account that you are now engaging with the GDC. It appreciated your attendance today and the time you have taken to address it on the matters that brought you before your regulatory body. The Committee found that you were credible, candid, and consistent in giving your oral evidence. It noted that you did not try to hide behind

your past errors. The Committee also found your oral evidence helpful in that it expanded beyond the written reflections that you have provided.

In the Committee's view, your engagement today and what you said in evidence, demonstrates that you have a good degree of insight into your misconduct. The Committee considered from both your letter and your oral evidence that you have reflected on your shortcomings and have shown remorse for acting outside your scope of practice and without adequate indemnity. The Committee also heard from you what you would do differently if faced again with the kind of difficult working situation you described.

The Committee found that you demonstrated a degree of understanding of the immediate risk posed to patients by your actions. Although, in the Committee's view, you did not address sufficiently in your written and oral evidence the wider public interest in terms of the potential damage to public confidence in the dental profession and the importance of upholding proper professional standards.

The Committee also found that, whilst you now appear to appreciate the workings and limitations of direct access, including the need to work to the prescription of a dentist for certain treatments, you did not fully engage with the original concern in this case around the provision of tooth whitening. The Committee noted your evidence that you have not since and do not intend to provide tooth whitening again. However, your position could change, and therefore a full awareness and understanding of your scope of practice in this area is important.

In all the circumstances, the Committee was not satisfied that it received sufficient evidence to be confident that the risk of repetition in this case is low. In reaching its conclusion, the Committee took into account the identified limitations to your insight, that you have not been in practice for a considerable period of time to enable any embedding of your remediation, and that you have only recently re-engaged with the GDC. For all of these reasons, the Committee determined that some action remains necessary to safeguard against the risk of repetition. Accordingly, a finding of impairment is necessary for the protection of the public.

The Committee did not consider that a finding of impairment continues to be required in the wider public interest. It was satisfied that the periods of suspension that you have served has addressed the wider public interest considerations in this case. Furthermore, given that you have demonstrated a good level of insight and re-engaged with the fitness to practise process, the Committee did not consider that a finding of impairment is required to maintain public confidence in the dental profession or to promote and maintain proper professional standards.'

10. The April 2024 revoked the suspension of your registration and replaced this with conditions of practice for a period of 12 months with a review. The conditions imposed included a requirement that you work under close supervision.

The resumed hearing 28 February 2025

11. It is the role of the Committee today to undertake the review directed by the April 2024 PCC. The Committee had the benefit of your attendance at the hearing and heard oral evidence from you and your reflections, personal circumstances, CPD activity and aspirations for the future. You have not worked since the last PCC in April 2024 [IN PRIVATE]. Your intention is to resume work in around September or October of this year.

12. Ms Johnson, on behalf of the GDC, submitted that your fitness to practise continues to be impaired as you have not yet returned to work under the conditions imposed by the April 2024 PCC. She submitted that those conditions should be extended by a further period of 12 months with a review to allow you further time to return to work and demonstrate embedded improvement in practice.

13. When addressing the Committee you did not oppose a finding of continued impairment and the continuation of the conditions on your registration by a further period of 12 months. You confirmed to the Committee that you considered those conditions to be workable.

14. The Committee accepted the advice of the Legal Adviser.

15. The Committee first considered whether your fitness to practise continues to be impaired. The only relevant remaining ground of impairment for consideration is that of public protection, as your fitness to practise was found on the last occasion to no longer be impaired on wider public interest grounds given the periods of suspension which you had already served.

16. The Committee determined that your fitness to practise continues to be impaired as you have not yet had an opportunity to return to work and demonstrate embedded improvement in practice. Whilst you continue to show meaningful engagement, reflection and insight, the absence of evidence of embedded improvement in practice means that there remains a real risk of repetition and therefore a risk of harm to the public.

17. The next consideration for the Committee was what action to take in respect of your registration. The Committee had regard to section 36Q(1) of the Act, which sets out the options available to the Committee at this review. The Committee also took into account the *Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016; 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. The Committee applied the principle of proportionality, balancing the public interest with your own interests.

18. The Committee determined that the continued restriction of your registration remains necessary for the protection of the public. There was nothing to indicate to the Committee that the conditions formulated by the April 2024 PCC have ceased to be workable and proportionate in their current form. What is required is more time for you to be in a position to return to work and to practise under those conditions in order to complete your remediation. Accordingly, the Committee directs that the conditions shall continue on your registration in their current form for a period of 12 months, with a review. The conditions shall continue to appear against your name in the DCP register in the following terms:

1. You must, within 7 days notify the GDC of any professional appointments you accept which require GDC registration and provide the contact details of your employer or any organisation for which you are contracted to provide dental services.
2. You must allow the GDC to exchange information with your employer or any organisation which you are contracted to provide dental services, and any Development Adviser, Workplace Supervisor, reporter, and any other person involved in your retraining and supervision referred in these conditions.
3. You must inform the GDC within 7 days if you apply for dental employment outside the UK.
4. You must inform the GDC within seven days of being notified of:
 - a. Any formal disciplinary action taken against you;
 - b. Any NHS investigation;
 - c. Any patient complaint received about your clinical practice or conduct at work.
5. At any time you are employed, or providing dental services, which require you be registered with the GDC, you must place yourself and remain under the close supervision* of a workplace supervisor nominated by you and agreed by the GDC. The workplace supervisor shall be a GDC registrant in the same category as the Registrant or higher.
6. You must not start/restart work until these arrangements have been approved by the GDC.
7. You must provide your workplace supervisor with a copy of this determination.
8. You must provide reports from your workplace supervisor to the GDC every three months and at least 14 days prior to any review. The workplace supervisor report should address the following:
 - i. Putting patient's interests first
 - ii. Scope of Practice
 - iii. Patient Focused Care
 - iv. Maintaining appropriate personal and professional behaviour
 - v. Aspects of consent and best interest
 - vi. Making best interest decisions
 - vii. Duty of candour
 - viii. Managing patient expectations
 - ix. Prescription practice
9. You must keep your professional commitments under review and limit your dental practice in accordance with your workplace supervisor's advice.
10. You must keep a log which details all work you complete which requires a prescription from a dentist.

11. This log must be signed by your workplace supervisor and submitted every three months and at least 14 days prior to any review, or alternatively, confirm that there have been no such cases.
12. You must submit evidence of your indemnity to the GDC prior to starting work. Should your indemnity expire whilst the conditions are in place, you must send the GDC evidence of your updated indemnity.
13. You must not work as a locum or undertake any out-of-hours work or on-call duties without the prior agreement of the GDC.
14. You must inform promptly the following parties that your registration is subject to conditions listed at 1 to 13 above and provide evidence within 7 days that you have done so.
 - a. Any organisation or person employing or contracting with you to undertake dental work.
 - b. Any prospective employer (at the time of the application).
 - c. All staff at any practice where you are employed to carry out dental services.
15. You must permit the GDC to disclose the above conditions 1 to 14 to any person requesting information about your registration status.

*** Close Supervision**

The Registrant's day to day work must be supervised by a person who is registered with the GDC in their category of the register or above and who must be on site and available at all times. As a minimum, the Registrant's work must be reviewed at least twice a week by the supervisor via one to one meetings and case-based discussion. These bi-weekly meetings must be focused on all areas of concern identified by the conditions/undertakings. These meetings must take place face to face.

19. The Committee directs a review shortly before the end of this 12-month period of conditional registration. This means that a Committee will review the order at a further resumed hearing and decide what action to take in respect of your registration at that time. You will be informed of the date and time of that resumed hearing.
20. That concludes this determination.