

HEARING HEARD IN PUBLIC

ORSKA-PIASKOWSKA, Edyta Otylia

Registration No: 85005

PROFESSIONAL CONDUCT COMMITTEE

SEPTEMBER 2018-DECEMBER 2020*

Most recent outcome: Suspension indefinitely

*See page 17 for the latest determination

Edyta Otylia ORSKA-PIASKOWSKA, a dentist, Lek Stom Lodz 1998 was summoned to appear before the Professional Conduct Committee on 3 September 2018 for an inquiry into the following charge:

Charge

“That being a registered dentist:

1. You failed to co-operate with an investigation into your fitness to practise conducted by the GDC in that you:
 - a) did not, adequately or at all, provide details of your employers and/or proof of indemnity cover upon requests made by the GDC on:
 - i. 7 June 2016;
 - ii. 29 June 2016;
 - iii. 10 August 2016;
 - iv. 21 March 2017;
 - b) did not maintain an up-to-date registered address with the GDC between 7 June 2016 and 25 January 2017.

AND, by reason of the matters alleged your fitness to practise is impaired by reason of misconduct.”

Ms Orska-Piaskowska was not present and was not represented. On 3 September 2018 the Chairman announced the findings of fact to the Counsel for the GDC:

“Ms Orska-Piaskowska

Preliminary applications

Decision on service of notification of hearing

Ms Orska-Piaskowska was neither present nor represented in this hearing. At the commencement of the hearing Mr Middleton, Case Presenter for the General Dental Council (GDC) submitted that the notification of hearing had been sent to Ms Orska-Piaskowska in accordance with Rules 13 and 65 of the General Dental Council (Fitness to Practise) Rules 2006 (the Rules).

The Committee had before it a copy of the notification of hearing letter dated 1 August 2018 which was sent to Ms Orska-Piaskowska's address as it appears on the Register, by International post. It was satisfied that the letter contained all the components necessary for a notice of hearing to be valid as set out in the Rules.

The notification of hearing was also sent to Ms Orska-Piaskowska via email. Having heard the advice of the Legal Adviser, the Committee was satisfied that the notification of hearing had been served in accordance with Rules 13 and 65.

Decision on proceeding in the Registrant's absence

Mr Middleton then made an application under Rule 54 that the hearing should proceed in Ms Orska-Piaskowska's absence. He referred to the case of Regina v Jones [2002] UKHL 5 and General Medical Council v Adeogba; General Medical Council v Visvardis [2016] EWCA Civ 162. The Committee bore in mind that its discretion to proceed with a hearing in these circumstances should be exercised with the utmost care and caution. It took account of Mr Middleton's submissions and it accepted the advice of the Legal Adviser.

The Committee noted the multiple correspondence sent by the GDC to Ms Orska-Piaskowska during the course of its investigations. Ms Orska-Piaskowska responded to the GDC via email on 24 August 2018 stating 'Stop doing this. I have nothing to do with this'... The Committee concluded that Ms Orska-Piaskowska has waived her right to attend this hearing. There is no request for an adjournment or postponement from Ms Orska-Piaskowska and the Committee concluded that, based on the information before it, an adjournment was unlikely to secure her attendance at a future date. It concluded that fairness to the GDC and the public interest in the expeditious disposal of this case requires that the hearing should proceed, notwithstanding that Ms Orska-Piaskowska is absent.

Background

The GDC received a complaint from Patient A concerning Ms Orska-Piaskowska. The GDC notified Ms Orska-Piaskowska of a fitness to practise investigation via a letter to her registered address dated 7 June 2016. The letter requested Ms Orska-Piaskowska to provide information of indemnity insurance and details of her employers. It is alleged that Ms Orska-Piaskowska did not respond and the GDC subsequently sent further letters on 29 June 2016 and 10 August 2016 however, Ms Orska-Piaskowska did not respond to these letters. On 21 March 2017 a follow up email was sent to which Ms Orska-Piaskowska responded by email on 23 March 2017. However she still failed to provide details of the indemnity insurance and proof of her employers details.

It is further alleged that Ms Orska-Piaskowska did not up date her registered address with the GDC between 7 June 2016 and 25 January 2017.

Witness Statements

The Committee had regard to two witness statements from Witness 1, Casework Manager for the GDC and Witness 2 Paralegal, in the inhouse Legal Prosecution Team for the GDC. Both witness statements were signed and dated. The Committee did not hear evidence from either witness. The Committee carefully considered what weight to attach to this evidence.

The Committee's Findings of Fact

The Committee has considered all the evidence presented to it. It took account of the submissions made by Mr Middleton on behalf of the GDC. The Committee heard and accepted the advice of the Legal Adviser. In accordance with that advice it considered each

head of charge separately, bearing in mind that the burden of proof rests with the GDC and that the standard of proof is the civil standard, that is, whether the alleged matters are proved on the balance of probabilities.

The Committee's findings in relation to each head of charge is as follows:

1.(a)(i)	<p>You failed to co-operate with an investigation into your fitness to practise conducted by the General Dental Council in that you:</p> <p>Did not adequately or at all, provide details of your employers and/or proof of indemnity cover upon requests made by the GDC on:</p> <p>7 June 2016</p> <p>PROVED</p> <p>The Committee noted Witness 1's witness statement which stated that the GDC sent a letter to Ms Orska-Piaskowska dated 7 June 2016 requesting proof of indemnity cover and details of her employers. Witness 1 stated that Ms Orska-Piaskowska did not respond to this letter.</p> <p>The Committee had regard to the letter dated 7 June 2016 and noted that the letter had specifically requested Ms Orska-Piaskowska to provide details of her employers and proof of indemnity cover. The Committee had no information before it that Ms Orska-Piaskowska had provided this information to the GDC. Furthermore, the Committee noted that the letter was also sent to Ms Orska-Piaskowska via email. Ms Orska-Piaskowska is required as a dental professional to co-operate with any formal or informal inquiry with the GDC. The Committee is of the view that Ms Orska-Piaskowska failed to co-operate with the GDC by not providing the required information requested.</p> <p>The Committee accepted the evidence of the witness. Based on the evidence before it, the Committee concluded that, on the balance of probabilities, Ms Orska-Piaskowska did not adequately or at all, provide details of her employers and/or proof of indemnity cover upon requests made by the GDC on 7 June 2016. Therefore, this charge is found proved.</p>
1.(a)(ii)	<p>You failed to co-operate with an investigation into your fitness to practise conducted by the General Dental Council in that you:</p> <p>Did not adequately or at all, provide details of your employers and/or proof of indemnity cover upon requests made by the GDC on:</p> <p>29 June 2016</p> <p>PROVED</p> <p>The Committee noted Witness 1's witness statement which stated as the GDC had not received a response to the letter dated 7 June 2016 the GDC wrote and sent another letter to Ms Orska-Piaskowska dated 29 June 2016. The letter of 29 June 2016 was requesting proof of indemnity cover and details of Ms Orska-Piaskowska's employers. Witness 1 stated that Ms Orska-Piaskowska did not respond to this letter.</p> <p>The Committee had regard to the letter dated 29 June 2016 and noted that the letter had specifically requested Ms Orska-Piaskowska to provide details of her</p>

	<p>employers and proof of indemnity cover. The Committee had no information before it that Ms Orska-Piaskowska had responded to this letter with the required information. Furthermore, the Committee noted that the letter was also sent to Ms Orska-Piaskowska via email. In the letter of 29 June 2016, the Committee noted that it advised Ms Orska-Piaskowska that under Standard 9.4 of the 'Standards for the Dental Team' she is required to co-operate with any formal or informal inquiry by the GDC. Ms Orska-Piaskowska had failed to co-operate with the GDC by not providing the required information</p> <p>The Committee accepted the evidence of the witness. Based on the evidence before it, the Committee concluded that, on the balance of probabilities, Ms Orska-Piaskowska did not adequately or at all, provide details of her employers and/or proof of indemnity cover upon requests made by the GDC on 29 June 2016. Therefore, this charge is found proved.</p>
1.(a)(iii)	<p>You failed to co-operate with an investigation into your fitness to practise conducted by the General Dental Council in that you:</p> <p>Did not adequately or at all, provide details of your employers and/or proof of indemnity cover upon requests made by the GDC on:</p> <p>10 August 2016</p> <p>PROVED</p> <p>The Committee noted Witness 1's witness statement which stated as the GDC had not received a response to the letters of 7 June 2016 and 29 June 2016 the GDC wrote another letter to Ms Orska-Piaskowska dated 10 August 2016. The letter dated 10 August 2016 was requesting proof of Ms Orska-Piaskowska's indemnity cover and details of her employers. Witness 1 stated that Ms Orska-Piaskowska did not respond to this letter.</p> <p>The Committee had regard to the letter dated 10 August 2016 and noted that the letter had specifically requested Ms Orska-Piaskowska to provide details of her employers and proof of indemnity cover. The Committee had no information before it that Ms Orska-Piaskowska had responded to this letter with the required information. Furthermore, the Committee noted that the letter was also sent to Ms Orska-Piaskowska via email. In the letter dated 10 August 2016 the Committee noted that it advised Ms Orska-Piaskowska that under Standard 9.4 of the 'Standards for the Dental Team' she is required to co-operate with any formal or informal inquiry by the GDC. Ms Orska-Piaskowska had failed to co-operate with the GDC by not providing the required information</p> <p>The Committee accepted the evidence of the witness. Based on the evidence before it, the Committee concluded that, on the balance of probabilities, Ms Orska-Piaskowska did not adequately or at all, provide details of her employers and/or proof of indemnity cover upon requests made by the GDC on 10 August 2016. Therefore, this charge is found proved.</p>
1.(a)(iv)	<p>You failed to co-operate with an investigation into your fitness to practise conducted by the General Dental Council in that you:</p> <p>Did not adequately or at all, provide details of your employers and/or proof of indemnity cover upon requests made by the GDC on:</p>

	<p>21 March 2017</p> <p>PROVED</p> <p>The Committee noted Witness 1’s witness statement which stated that the GDC sent a letter dated 21 March 2017 with enclosures via email to Ms Orska-Piaskowska. The letter dated 21 March 2017 was requesting Ms Orska-Piaskowska’s to provide proof of her indemnity cover and details of her employers.</p> <p>The Committee had regard to the letter dated 21 March 2017 sent via email only and noted that the letter had specifically requested Ms Orska-Piaskowska to provide details of her employers and proof of indemnity cover. The Committee noted that Orska-Piaskowska had downloaded the letter and enclosures on 23 March 2017. Furthermore, she acknowledged in an email to the GDC that she had received all the information. However, the Committee noted that Ms Orska-Piaskowska did not provide any of the details requested by the GDC. In the letter Ms Orska-Piaskowska was advised that if she did not provide the evidence the GDC would consider if this raised a further allegation that her fitness to practise was impaired. Ms Orska-Piaskowska had failed to co-operate with the GDC by not providing the required information.</p> <p>The Committee accepted the evidence of the witness. Based on the evidence before it, the Committee concluded that, on the balance of probabilities, Ms Orska-Piaskowska did not adequately or at all, provide details of her employers and/or proof of indemnity cover upon requests made by the GDC on 21 March 2017. Therefore, this charge is found proved.</p>
1.(b)	<p>Did not maintain an up-to-date registered address with the GDC between 7 June 2016 and 25 January 2017</p> <p>PROVED</p> <p>The Committee had regard to Witness 2’s witness statement and to the screen shot taken from the Councils case management system (CRM). It noted that Ms Orska-Piaskowska’s registered address had been updated on 16 December 2014 but there were no further updates until 26 January 2017. However, the Committee had evidence that the letter sent to Ms Orska-Piaskowska from the GDC on 10 August 2016 was returned as ‘unable to be delivered’ as this was not the correct address for her.</p> <p>The Committee noted that in the General Dental Council (Dentists Register) Regulations 2014 under section 19 of the Dentists Act 1984 article 9 states ‘A registered dentist must notify the Council without delay of any changes to or error in their registration details...’ The Committee is of the view that Ms Orska-Piaskowska did not maintain an up-to- date registered address between 7 June 2016 and 25 January 2017 as required by the GDC.</p> <p>The Committee accepted the evidence of the witness. Based on the evidence before it, the Committee concluded that, on the balance of probabilities, Ms Orska-Piaskowska did not maintain an up-to-date registered address with the GDC between 7 June 2016 and 25 January 2017. Therefore this charge is found proved.</p>

We move to Stage Two.”

On 4 September 2018 the Chairman announced the determination as follows:

“Ms Orska-Piaskowska

Proceedings at stage two

The Committee has considered all of the evidence presented to it and has had particular regard to the documentary bundle provided by the GDC. The Committee has taken into account the submissions made by Mr Middleton on behalf of the General Dental Council (GDC). Mr Middleton referred the Committee to the case of *Roylance v GMC (No. 2) [2000] 1 AC 311* which defines misconduct as a ‘word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.’ He also referred the Committee to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant [2011] EWHC 927 (Admin)*. The Committee has accepted the advice of the Legal Adviser. It has had careful regard to the GDC’s *Guidance for the Practice Committees including Indicative Sanctions Guidance* (October 2016).

Fitness to practise history

Mr Middleton addressed the Committee in accordance with Rule 20 (1) (a) of the General Dental Council (Fitness to Practise) Rules 2006 (‘the Rules’). He informed the Committee that there are previous fitness to practise concerns with Ms Orska-Piaskowska. Mr Middleton referred the Committee to an Investigating Committee decision dated 9 April 2015 where Ms Orska-Piaskowska received written advice in regard to her fitness to practise. Mr Middleton informed the Committee that Ms Orska-Piaskowska received advice relating to similar allegations of not co-operating with an investigation by the GDC.

Decision on misconduct

The Committee took into account that a finding of misconduct in the regulatory context requires a serious falling short of the professional standards expected of a registered dental professional. It had regard to the GDC’s standards, as contained in the publication ‘*Standards for the Dental Team (effective from 30 September 2013)*’. The Committee considered that the following standards are engaged in this case:

- 9.4 Co-operate with any relevant formal or informal inquiry and give full and truthful information.
- 9.4.1 If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter. You should also seek advice from your indemnity provider or professional association.

The Committee had regard to Ms Orska-Piaskowska’s failure to co-operate with the GDC’s investigation. In considering this matter, the Committee’s focus was in respect of Ms Orska-Piaskowska’s lack of engagement with the investigation process. The Committee considered that by not engaging with her regulatory body, Ms Orska-Piaskowska has exhibited a flagrant disregard for the GDC. Ms Orska-Piaskowska’s failure to respond to the letters sent to her demonstrates that she has little or no understanding of the GDC’s role in protecting the public. It also demonstrates her lack of awareness of her obligations under the GDC

standards. The Committee considered that fellow dental professionals would regard this as a serious cause for concern.

In the Committee's view, the facts found proved in this case demonstrate a pattern of conduct which began in 2015 when Ms Orska-Piaskowska did not co-operate with another GDC investigation. Despite Ms Orska-Piaskowska receiving advice about her responsibility to co-operate with the GDC she has chosen to repeat these actions. The Committee considered that Ms Orska-Piaskowska's repeated conduct was serious.

The Committee has found that Ms Orska-Piaskowska had failed to maintain an up-to-date address with the GDC. Ms Orska-Piaskowska had the opportunity to inform her regulator however did not take this opportunity. Ms Orska-Piaskowska again showed that she has little or no understanding of the GDC's role in protecting the public. Furthermore, it also demonstrates her lack of awareness of her obligations under the GDC standards. The Committee considered that fellow dental professionals would regard this as a serious cause for concern. The Committee decided that Ms Orska-Piaskowska's actions taken individually or cumulatively, fell far below the requisite standard.

Therefore, taking all of the above into account, the Committee was satisfied that the facts found proved in this case represent a serious departure from the standards expected of Ms Orska-Piaskowska and amount to misconduct.

Decision on impairment

The Committee went on to consider whether Ms Orska-Piaskowska's fitness to practise is currently impaired by reason of her misconduct. It had regard to the over-arching objective of the GDC, which involves: 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.

The Committee considered that Ms Orska-Piaskowska's misconduct is remediable to a certain extent. It was of the view that she could, through learning and development, gain a greater awareness of her duty to co-operate with her regulatory body.

However, the Committee has received no evidence from Ms Orska-Piaskowska in relation to any steps she has taken to address the concerns raised in this case. Nor has the Committee been provided with any evidence of insight. In the absence of such evidence and in view of her very limited engagement with the GDC, the Committee concluded that there remains a risk of repetition.

Whilst the Committee took into account that there has been no suggestion of actual patient harm in this case, it considered that the potential for such harm is ongoing in the absence of any evidence that Ms Orska-Piaskowska has understood or addressed the issues surrounding her lack of engagement. Furthermore, the Committee is concerned that Ms Orska-Piaskowska has not provided the GDC with evidence that she may have had the necessary indemnity cover whilst practising. The Committee therefore decided that a finding of impairment is necessary to protect the public.

The Committee also considered the wider public interest. It was of the view that members of the public would be very concerned about Ms Orska-Piaskowska's disregard for her regulator. There is an expectation that people in a professional capacity are expected to comply with requests made by their regulatory body. Further, given the absence of any insight or remediation on Ms Orska-Piaskowska's part, the Committee concluded that the

public, as well as other dental professionals would expect a finding of impairment. Accordingly, the Committee was satisfied that public confidence in the dental profession and in the regulatory process would be undermined if such a finding were not made in the circumstances of this case.

The Committee has therefore determined that Ms Orska-Piaskowska's fitness to practise is currently impaired by reason of her misconduct.

Decision on sanction

The Committee considered what sanction, if any, to impose on Ms Orska-Piaskowska's registration. In reaching its decision, the Committee took into account the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016)*' (the Guidance). 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 the interests of Ms Orska-Piaskowska.

In its consideration of the appropriate sanction, the Committee took into account the following aggravating features it identified in this case:

- Ms Orska-Piaskowska has shown a lack of insight into her misconduct;
- Ms Orska-Piaskowska's lack of co-operation with the GDC which demonstrates a blatant or wilful disregard of the role of her regulator and the systems regulating the dental profession;
- Ms Orska-Piaskowska's repeated actions in regard to her lack of co-operation with the GDC.

In mitigation, the Committee took into account the following factors:

- Ms Orska-Piaskowska did not gain anything financially from her actions;
- Ms Orska-Piaskowska's confirmation from her email that she does not work in the UK and has not been in England for years;
- That there is no evidence of any actual harm caused by Ms Orska-Piaskowska's misconduct.

Taking all the above factors into account, the Committee considered the available sanctions in ascending order.

Having found that there is an ongoing risk of repetition from Ms Orska-Piaskowska's lack of insight and remediation and her ongoing lack of engagement with the GDC, the Committee decided that it would be wholly inappropriate to conclude this case without taking any action in relation to her registration. It considered that such a course of action would not provide the necessary public protection, nor would it address the wider public interest concern in this case.

The Committee next considered whether to issue Ms Orska-Piaskowska with a reprimand. In doing so, it had regard to paragraph 7.9 of the Guidance which deals with this sanction. However, the Committee found that none of the factors relevant to a reprimand are present in Ms Orska-Piaskowska's case. In particular, it considered that a reprimand would not be sufficient where there remains a risk to the public from Ms Orska-Piaskowska's ongoing lack of insight, remediation and engagement. The Committee noted that in April 2015 Ms Orska-

Piaskowska was given advice by the Investigating Committee but did not adhere to the advice given in regard to co-operating with your regulator. Therefore, the Committee considered that a reprimand would not appropriately address the serious findings made against Ms Orska-Piaskowska.

The Committee also determined that conditional registration would not be suitable in a case such as this one. It noted that this is not a case about Ms Orska-Piaskowska's clinical competency. The misconduct found relates to the serious issues of Ms Orska-Piaskowska's failure to comply with requests made by her regulator and to maintain her address on the GDC register. The Committee decided that it could not formulate any workable conditions to address these concerns.

The Committee went on to consider whether to suspend Ms Orska-Piaskowska's registration. In doing so, it took into account that a suspension was considered by the GDC to be the appropriate sanction in this case. In reaching its decision as to whether to impose a suspension order, the Committee considered paragraph 7.28 of the Guidance which deals with the sanction of suspension. It found that the following factors from that section applied in this case:

- there is evidence of repetition of the behaviour, in that Ms Orska-Piaskowska repeatedly did not co-operate with her regulator;
- Ms Orska-Piaskowska has not shown insight and there remains a risk of her repeating the behaviour in the future;
- patients' interests would be insufficiently protected by a lesser sanction;
- public confidence in the profession would be insufficiently protected by a lesser sanction.

Taking all of these factors into account, the Committee determined that the suspension of Ms Orska-Piaskowska's registration is an appropriate and proportionate outcome in all the circumstances.

The Committee took into account that the sanction of erasure was open to it. However, in its view, whilst Ms Orska-Piaskowska's actions were serious, they were not at the most serious end of the spectrum of misconduct. There has been no evidence of any actual harm caused by her actions. The Committee also noted that it has not been submitted by the GDC that Ms Orska-Piaskowska's behaviour as highlighted in this case is incompatible with continued registration.

The Committee bore in mind that the maximum period of suspension is for 12 months and has decided to suspend Ms Orska-Piaskowska's registration for a period of 6 months. It considered that a 6-month period would serve to protect the public, the wider public interest and mark the gravity of Ms Orska-Piaskowska's misconduct. The Committee also considered that this time would give Ms Orska-Piaskowska an opportunity to provide evidence of remediation.

A Committee will review Ms Orska-Piaskowska's case at a hearing to be held shortly before the end of the period of suspension. That Committee will consider what action to take in relation to her registration. Ms Orska-Piaskowska will be informed of the date and time of that hearing, with which she will be expected to engage.

The Committee reviewing Ms Orska-Piaskowska's case may find it helpful to receive any evidence she wishes to present including:

- evidence of her co-operation with the GDC following this hearing;
- evidence of her reflection on the matters found proved in this case;
- evidence of her insight and remediation; and
- evidence that she has kept her knowledge and skills up to date.

Unless Ms Orska-Piaskowska exercises her right of appeal, her registration will be suspended 28 days from the date when notice of this determination is deemed to have been served upon her.

The Committee now invites submissions from Mr Middleton, as to whether Ms Orska-Piaskowska's registration should be suspended immediately, pending its substantive determination taking effect.

Decision on immediate order of suspension

In considering whether to impose an immediate order on Ms Orska-Piaskowska's registration, the Committee took account of the submissions made by Mr Middleton on behalf of the GDC that such an order should be imposed. It accepted the advice of the Legal Adviser.

In all the circumstances of this case, the Committee has determined that it is necessary for the protection of the public and is otherwise in the public interest to impose an order for the immediate suspension of Ms Orska-Piaskowska's registration. The Committee has identified an ongoing risk to public safety and has also identified wider public interest concerns. It therefore considered that immediate action is required in this case, particularly in light of Ms Orska-Piaskowska's repeated lack of co-operation and failure to provide evidence of indemnity cover to the GDC.

The effect of the foregoing determination and this order is that Ms Orska-Piaskowska's registration will be suspended over the appeal period. If Ms Orska-Piaskowska does not appeal, the substantive direction for a 6-month suspension, as already announced, will take effect 28 days from the date when notice is deemed to have been served upon her.

Should Ms Orska-Piaskowska exercise her right of appeal, this immediate order for suspension will remain in place until the resolution of any appeal.

That concludes this hearing."

At a review hearing on 7 March 2019 the Chairman announced the determination as follows:

"Ms Orska-Piaskowska is neither present nor represented at this resumed hearing of the Professional Conduct Committee (PCC). Ms Denholm is the Case Presenter for the General Dental Council (GDC).

At the outset, Ms Denholm made an application under Rule 54 of the GDC (Fitness to Practise) Rules 2006 Order of Council (the Rules), to proceed with the hearing notwithstanding Ms Orska-Piaskowska's absence. The Committee took account of Ms Denholm's submissions in respect of the application and had regard to the supporting documentation provided. It accepted the advice of the Legal Adviser.

Decision on service of the Notification of Hearing

The Committee considered whether notice of the hearing had been served on Ms Orska-Piaskowska in accordance with Rules 28 and 65 of the Rules. It received a bundle of documents containing a copy of the Notification of Hearing letter, dated 07 February 2019, and a Royal Mail 'Track and Trace' receipt confirming that the letter was sent to Ms Orska-Piaskowska's registered address by Special Delivery. A copy of the letter was also sent to her by email.

The Committee was satisfied that the letter contained proper notification of today's review hearing, including its time, date and venue, as well as notification that the Committee had the power to proceed with the hearing in Ms Orska-Piaskowska's absence. On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Orska-Piaskowska in accordance with the Rules.

Decision on proceeding with the hearing in the absence of Ms Orska-Piaskowska

The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Ms Orska-Piaskowska. It approached this issue with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision as set out in the case of *R v Jones [2003] 1 AC 1HL*. It remained mindful of the need to be fair to both Ms Orska-Piaskowska and the GDC, and it had regard to the public interest in the expeditious review of the suspension order in place on Ms Orska-Piaskowska's registration. The Committee took into account that the current order is due to expire on 04 April 2019.

The Committee noted from the Notification of Hearing letter of 07 February 2018 that Ms Orska-Piaskowska was asked to confirm by 14 February 2019, whether she would be attending today's hearing and/or whether she would be represented. The information before the Committee indicates that there has been no response from Ms Orska-Piaskowska. She has not provided a reason for her non-attendance, either in person or remotely, nor has she requested an adjournment. The Committee therefore concluded that Ms Orska-Piaskowska had voluntarily absented herself from today's proceedings. It decided that an adjournment was unlikely to secure her attendance on a future date. The Committee also noted that Ms Orska-Piaskowska did not attend and was not represented at the initial PCC hearing of her case in September 2018.

In all the circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Ms Orska-Piaskowska and/or any representative on her behalf.

Background to Ms Orska-Piaskowska's case

Ms Orska-Piaskowska's case was first considered by the PCC at a hearing in September 2018. That Committee considered and found proved allegations in relation to:

1. *You failed to co-operate with an investigation into your fitness to practise conducted by the GDC in that you:*
 - a) *did not, adequately or at all, provide details of your employers and/or proof of indemnity cover upon requests made by the GDC on:*
 - i. 7 June 2016;
 - ii. 29 June 2016;
 - iii. 10 August 2016;

- iv. 21 March 2017;
- b) *did not maintain an up-to-date registered address with the GDC between 7 June 2016 and 25 January 2017.*

The Committee that sat in September 2018 considered that the breaches of the GDC's standards, as highlighted by its findings, were serious and were capable of undermining public confidence in the profession. That Committee found that the facts found proved against Ms Orska-Piaskowska amounted to misconduct and it determined that her fitness to practise was impaired by reason of that misconduct. In its determination on impairment, that Committee stated that Ms Orska-Piaskowska's misconduct was remediable to a "certain extent". It was of the view that she could, through learning and development, gain a greater awareness of her duty to co-operate with her regulatory body. However, the Committee received no evidence from her in relation to any steps she had taken to address the concerns raised in this case. Nor had the Committee been provided with any evidence of insight. In the absence of such evidence and in view of her very limited engagement with the GDC, the Committee concluded that there remained a risk of repetition.

The Committee considered that whilst there was nothing to suggest that there had been any actual patient harm caused, her actions had the potential to place patients at risk of harm.

Furthermore, the Committee was concerned that Ms Orska-Piaskowska did not provide any evidence that she had the necessary indemnity cover whilst practising.

Accordingly, the Committee decided that Ms Orska-Piaskowska's fitness to practise was impaired.

That Committee determined to suspend Ms Orska-Piaskowska's registration for a period of 6 months and imposed an immediate order of suspension. It directed a review of her case prior to the end of the 6 month period.

Today's review

In comprehensively reviewing Ms Orska-Piaskowska's case today, the Committee considered all the evidence before it. It took account of the submissions made by Ms Denholm on behalf of the GDC and accepted the advice of the Legal Adviser. No material or written submissions were received from, or on behalf of, Ms Orska-Piaskowska.

Ms Denholm told the Committee that there is no evidence that Ms Orska-Piaskowska has practised in contravention of her current suspension order. She stated, however, that to date, there is no evidence that Ms Orska-Piaskowska has remedied any of the failings identified by the previous Committee. Ms Denholm submitted that Ms Orska-Piaskowska has not engaged at all with the GDC.

In relation to the matters before the Committee today. She stated that in the circumstances, the GDC had no option but to invite the Committee to find that Ms Orska-Piaskowska's fitness to practise remains impaired. Ms Denholm further invited the Committee, if it found current impairment, to extend the period of Ms Orska-Piaskowska's suspension order by a period of 12 months with a review.

Decision on impairment

In reaching its decision on whether Ms Orska-Piaskowska's fitness to practise remains impaired, the Committee exercised its own judgement. It had regard to the over-arching

objective of the GDC, which involves: 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.

Ms Orska-Piaskowska's misconduct, as found by the initial PCC, was serious and capable of undermining public confidence in the dental profession. This Committee accepted the submission of Ms Denholm and the advice of the Legal Adviser.

The information before this reviewing Committee today indicates that Ms Orska-Piaskowska has failed to engage in any way with the GDC. Consequently, it has received no evidence to indicate that she has made any efforts to fulfil the recommendations made by the Committee in September 2018.

In this Committee's view, Ms Orska-Piaskowska's ongoing failure to engage effectively with the GDC demonstrates that she had not developed any insight into the concerns identified at the hearing in September 2018. Taking into account this lack of insight and the absence of any evidence of remediation to show that Ms Orska-Piaskowska has addressed the findings of the previous Committee, this Committee concluded that the serious concerns remain.

Having taken all the information before it into account, the Committee continues to be concerned about the serious risk of repetition. In all the circumstances, the Committee decided that a finding of current impairment is necessary for the protection of the public. The Committee also decided that public confidence in the dental profession would be undermined if such a finding were not made in the circumstances of this case.

Accordingly, the Committee has determined that Ms Orska-Piaskowska fitness to practise remains impaired by reason of her misconduct.

Decision on Sanction

The Committee considered what action, if any, to take in respect of Ms Orska-Piaskowska's registration. It had regard to its powers under Section 27C(1) of the *Dentists Act 1984 (as amended)*, which sets out the options available to it. The Committee took into account 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.

The Committee had regard to the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016)*'. It applied the principle of proportionality, balancing the public interest with Ms Orska-Piaskowska's own interests. It considered the available sanctions in ascending order.

In the light of the Committee's outstanding concerns about public safety, it determined that it would be wholly inappropriate to terminate the current suspension order or to allow it to lapse. It decided that some ongoing restriction of Ms Orska-Piaskowska's registration is necessary to safeguard the public and to uphold the wider public interest.

The Committee next considered whether to terminate Ms Orska-Piaskowska's suspension order and replace it with an order of conditions. However, the Committee concluded that conditional registration would not be suitable in this case, where the registrant has failed to engage meaningfully in the regulatory process in any way. It also took into account the serious nature of Ms Orska-Piaskowska's failings, which have yet to be addressed. It therefore determined that the imposition of conditions would not be appropriate, workable or proportionate.

In all the circumstances, the Committee determined to extend the period of the suspension order on Ms Orska-Piaskowska's registration. This Committee has found that she has failed to engage meaningfully with the GDC and the remedial process. As a result, the failings identified remain a real concern. In view of this, the Committee concluded that members of the public and the wider public interest would not be sufficiently protected by a lesser sanction than suspension.

The Committee has decided to extend the suspension order by a period of 12 months. In deciding on this period, the Committee took into account the absence of any evidence of progress made by Ms Orska-Piaskowska since the findings made against her in September 2018. It considered that a significant amount of engagement and remediation will now be required on her part to address all the identified failings. The Committee concluded that a 12-month suspension would afford her such an opportunity, whilst ensuring that members of the public and the wider public interest remain protected adequately.

A Committee will review Ms Orska-Piaskowska's case at a resumed hearing to be held shortly before the end of the extended period of suspension. That Committee will consider whether it should take any further action in relation to her registration. She will be informed of the date and time of that resumed hearing.

The Committee considers that a reviewing Committee would be assisted by the points made at the initial hearing, which are:

- *evidence of co-operation with the GDC following this hearing*
- *evidence of her reflection on the matters found proved in this case*
- *evidence of her insight and remediation*
- *evidence that she has kept her knowledge and skills up-to-date*

Unless Ms Orska-Piaskowska exercises her right of appeal, her current suspension order will be extended by a period of 12 months, from the date of which when it would have otherwise expired. If Ms Orska-Piaskowska's does lodge an appeal against this decision, the current suspension order will continue to remain in force until the appeal has been decided.

That concludes this determination."

At a review hearing on 2 March 2020, the Chair announced the determination as follows:

"This is a Professional Conduct Committee (PCC) review hearing of Ms Orska-Piaskowska's case, which is being held in accordance with Section 27C of the Dentists Act 1984 (the Act). Ms Orska-Piaskowska is neither present nor represented at the hearing. Ms Headley appears on behalf of the General Dental Council (GDC).

Service and proceeding in the absence of parties

The Committee first considered whether the notification of today's review hearing had been served on Ms Orska-Piaskowska in accordance with Rules 28 and 65. The Committee has received a bundle of documents which contains a copy of notification of hearing dated 20 January 2020 which was sent by Special Delivery to Ms Orska-Piaskowska's last known address. The Committee is satisfied that the notification contains the required information under Rule 28, including the time and date of this hearing. Royal Mail Track and Trace confirms that the notice was delivered to the registrant's registered address. Taking all these

factors into account, the Committee is satisfied that the GDC has complied with the requirements of service in accordance with Rules 28 and 65.

The Committee then went on to consider whether to proceed in the absence of Ms Orska-Piaskowska in accordance with Rule 54. In so doing, it has borne in mind that its discretion to proceed in the absence of Ms Orska-Piaskowska must be exercised with the utmost care and caution. It is satisfied that the GDC has made all reasonable efforts to notify Ms Orska-Piaskowska of this hearing and its purpose. The notification of hearing informed her that the Committee had the power to deal with the resumed hearing on the papers in the absence of parties and that the GDC was proposing to request that arrangements be made for the hearing to take place on the papers. The letter further stated that it was open to Ms Orska-Piaskowska to provide the Committee with written submissions and any documents that she felt were relevant to the review of the Order. The letter asked Ms Orska-Piaskowska to notify the GDC by 3 February 2020 if there was any reason why the hearing should not proceed on the papers. She was also asked to notify the GDC whether she would be attending the hearing and/or be represented. On the material before the Committee, Ms Orska-Piaskowska has not provided any response. There has been no application for a postponement and there is nothing to suggest that an adjournment would make Ms Orska-Piaskowska's attendance any more likely on a future occasion, given that she has not attended previous hearings of her case. Having regard to all the circumstances, the Committee has determined that Ms Orska-Piaskowska has voluntarily absented herself from this hearing. It considers that there is a clear public interest in reviewing the order today. Accordingly, the Committee has determined to proceed with today's review hearing in the absence of Ms Orska-Piaskowska and on the papers before it.

Today's Review

Ms Orska-Piaskowska's case was first considered by the PCC at a hearing in September 2018. That Committee considered and found proved allegations in relation to:

2. *You failed to co-operate with an investigation into your fitness to practise conducted by the GDC in that you:*
 - c) *did not, adequately or at all, provide details of your employers and/or proof of indemnity cover upon requests made by the GDC on:*
 - i. 7 June 2016;
 - ii. 29 June 2016;
 - iii. 10 August 2016;
 - iv. 21 March 2017;
 - d) *did not maintain an up-to-date registered address with the GDC between 7 June 2016 and 25 January 2017.*

The Committee that sat in September 2018 considered that the breaches of the GDC's standards, as highlighted by its findings, were serious and were capable of undermining public confidence in the profession. That Committee found that the facts found proved against Ms Orska-Piaskowska amounted to misconduct and it determined that her fitness to practise was impaired by reason of that misconduct. In its determination on impairment, that Committee stated that Ms Orska-Piaskowska's misconduct was remediable to a "certain extent". It was of the view that she could, through learning and development, gain a greater awareness of her duty to co-operate with her regulatory body. However, that Committee

received no evidence from her in relation to any steps she had taken to address the concerns raised in this case. Nor had that Committee been provided with any evidence of insight. In the absence of such evidence and in view of her very limited engagement with the GDC, that Committee concluded that there remained a risk of repetition.

That Committee considered that whilst there was nothing to suggest that there had been any actual patient harm caused, her actions had the potential to place patients at risk of harm.

Furthermore, that Committee was concerned that Ms Orska-Piaskowska did not provide any evidence that she had the necessary indemnity cover whilst practising.

Accordingly, that Committee decided that Ms Orska-Piaskowska's fitness to practise was impaired.

That Committee determined to suspend Ms Orska-Piaskowska's registration for a period of 6 months and imposed an immediate order of suspension. It directed a review of her case prior to the end of the 6-month period.

The matter was reviewed on 7 March 2019, Ms Orska-Piaskowska was not present nor represented. That reviewing Committee determined that Ms Orska-Piaskowska's fitness to practise remained impaired and imposed a further period of suspension for 12 months with a review.

Current Impairment

This is the second review hearing of Ms Orska-Piaskowska's case. The Committee has comprehensively reviewed the current order. In so doing, it has had regard to the GDC review bundle as well as the submissions made by Ms Headley. It notes that there has been no response from Ms Orska-Piaskowska in response to the PCC's recommendations in March 2019, despite attempts made by the GDC to seek her engagement.

In considering whether Ms Orska-Piaskowska's fitness to practise is currently impaired, the Committee bore in mind that this is a matter for its own independent judgement. It also had regard to its duty to protect the public, declare and uphold proper standards of conduct and competence and maintain public confidence in the profession. The Committee was referred to cases, including Cohen v GMC and Abraheam v GMC.

Ms Headley submitted that Ms Orska-Piaskowska's fitness to practise remains impaired. She submitted that Ms Orska-Piaskowska has provided insufficient evidence to demonstrate that she has remedied the failings identified by the previous Committee or that she has developed insight into those failings. Ms Headley also submitted further that public confidence in the profession would be undermined if a finding of impairment was not made. Ms Headley submitted that a further suspension order is appropriate given the limited engagement and the lack of remediation and invited the Committee to consider a period of 12 months. Should the position change Ms Orska-Piaskowska could seek an early review however in the current circumstances, a short suspension period would be inappropriate.

The Committee first considered whether Ms Orska-Piaskowska has remedied the failings found proved by the PCC in September 2018. She was advised within the determination of the previous hearing to consider presenting evidence of remediation, CPD, reflections, and any other evidence that would help her. There is no evidence from Ms Orska-Piaskowska in relation to any remediation she has undertaken. The Committee noted that there is a persuasive burden on the registrant to demonstrate that they have fully remedied their

failings. It concluded that a finding of current impairment was required in order to protect the public. Furthermore, it was of the view that public confidence in the profession would be undermined if a finding of impairment was not made in this case. The Committee therefore determined that Ms Orska-Piaskowska's fitness to practise remains currently impaired by reason of her misconduct.

Sanction

The Committee next considered what sanction to impose on Ms Orska-Piaskowska's registration under Section 27C of the Dentists Act, 1984 as amended. It reminded itself that the purpose of any sanction is not to be punitive although it may have that effect. The Committee bore in mind the principle of proportionality.

The Committee first considered whether to terminate the current suspension order or replace it with a conditions of practice order. In light of Ms Orska-Piaskowska's lack of engagement since August 2018 and the lack of evidence of remediation of the failings found proved, the Committee is not assured that conditions would be complied with at this stage. For these reasons, the Committee concluded that conditions are currently not workable or appropriate.

The Committee has therefore determined to extend the suspension order. In considering the duration of the suspension, the Committee noted that Ms Orska-Piaskowska was given clear indications of the sorts of information to provide, yet nothing has been received from Ms Orska-Piaskowska. The Committee concluded that a further period of suspension would provide Ms Orska-Piaskowska with sufficient time to carry out adequate remedial steps and engage fully with the fitness to practise process should she choose to do so.

The Committee has therefore determined to extend the suspension of Ms Orska-Piaskowska's registration for a period of 9 months pursuant to section 27C (1)(b) of the Dentists Act 1984, as amended.

The Committee has also determined that the matter should be reviewed prior to expiry of the suspension order. It is of the view that a reviewing Committee may be assisted by receiving the following:

- evidence of her remediation and CPD;
- evidence of her reflections addressing the facts found proved;
- testimonials from recent employers and any other registrant professionals; and
- any other evidence she considers the Committee may find useful.

Unless Ms Orska-Piaskowska exercises her right of appeal, her current suspension order will be extended by a period of 9 months, from the date of which when it would have otherwise expired. If Ms Orska-Piaskowska's does lodge an appeal against this decision, the current suspension order will continue to remain in force until the appeal has been decided.

That concludes this determination.”

At a review hearing on 18 December 2020, the Chair announced the determination as follows:

“This was a review hearing before the Professional Conduct Committee (PCC) in accordance with Section 27C the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing was for this PCC to review Ms Orska-Piaskowska's case and determine what action to take in relation to her registration. Neither party was present nor represented today.

The General Dental Council (GDC) has requested that the hearing be conducted on the papers and has provided written representations. The hearing was held remotely in line with current GDC guidance and all parties attended via video-link on Microsoft Teams.

Preliminary Matters

Decision on Service of the Notice of Hearing

The Committee first considered whether notice of the hearing had been served on Ms Orska-Piaskowska in accordance with Rules 28 and 65 of the GDC's Fitness to Practise Rules 2006 ('the Rules') and Section 50A of the Dentists Act 1984 (as amended) ('the Act'). The Committee received from the GDC an indexed hearing bundle of 43 pages, which contained a copy of the Notice of Hearing ('the notice'), dated 10 November 2020, thereby complying with the 28-day notice period. The hearing bundle also contained a Royal Mail 'Track and Trace' receipt confirming that the notice was sent to Ms Orska-Piaskowska's registered address by the method of 'International Tracked and Signed'. A copy of the notice was also emailed to Ms Orska-Piaskowska on 10 November 2020.

The Committee was satisfied that the notice sent to Ms Orska-Piaskowska contained proper notification of today's hearing, including its time, date and that it will be held remotely by Microsoft Teams, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in Ms Orska-Piaskowska's absence.

On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Orska-Piaskowska in accordance with the Rules and the Act.

Decision on Proceeding in the Registrant's Absence and on the Papers

The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Ms Orska-Piaskowska. It first concluded that all reasonable efforts had been taken to send the notice to Ms Orska-Piaskowska in accordance with the Rules. It noted that the Royal Mail 'Track and Trace' document showed that the notice had been delivered to Ms Orska-Piaskowska's registered address on 17 November 2020.

The Committee approached the issue of proceeding in absence with the utmost care and caution. It took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones* [2003] 1 AC 1HL and *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162. It remained mindful of the need to be fair to both Ms Orska-Piaskowska and the GDC, taking into account the public interest and Ms Orska-Piaskowska's own interests in the expeditious review of the suspension order imposed.

The Committee acknowledged that the notice stated that Ms Orska-Piaskowska had a right to attend the hearing and also advised that she had a right to present evidence at the hearing. There has been no response from Ms Orska-Piaskowska in relation to the notice. The Committee has also not received any request for an adjournment from Ms Orska-Piaskowska and it considered that adjourning the hearing would be unlikely to secure her attendance. In these circumstances, the Committee was satisfied that Ms Orska-Piaskowska had voluntarily absented herself from the hearing. Accordingly, having weighed the interests of Ms Orska-Piaskowska with those of the GDC and the public interest in an expeditious disposal of this hearing, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Ms Orska-Piaskowska and on the papers.

Background

Ms Orska-Piaskowska's case was first considered by a PCC at a hearing in September 2018. Ms Orska-Piaskowska did not attend the hearing and was not represented. At that hearing, the Committee found proved allegations that Ms Orska-Piaskowska had failed to co-operate with the GDC's investigation into her fitness to practise as she did not provide adequate or any details of her employers or proof of her indemnity cover between June 2016 and March 2017. It was also found proved that she failed to maintain an up-to-date registered address with the GDC between June 2016 and January 2017.

That Committee considered that the breaches of the GDC's standards, as highlighted by its findings, were serious and were capable of undermining public confidence in the profession. It found that the facts found proved against Ms Orska-Piaskowska amounted to misconduct and it determined that her fitness to practise was impaired by reason of that misconduct. In its determination on impairment, that Committee stated that Ms Orska-Piaskowska's misconduct was remediable to a "certain extent". It was of the view that she could, through learning and development, gain a greater awareness of her duty to co-operate with her regulatory body. However, that Committee received no evidence from her in relation to any steps she had taken to address the concerns raised in this case. Nor had that Committee been provided with any evidence of insight. In the absence of such evidence and in view of her very limited engagement with the GDC, that Committee concluded that there remained a risk of repetition.

That Committee considered that whilst there was nothing to suggest that there had been any actual patient harm caused, her actions had the potential to place patients at risk of harm.

Furthermore, that Committee was concerned that Ms Orska-Piaskowska did not provide any evidence that she had the necessary indemnity cover whilst practising.

Accordingly, that Committee decided that Ms Orska-Piaskowska's fitness to practise was impaired.

That Committee determined to suspend Ms Orska-Piaskowska's registration for a period of six months and imposed an immediate order of suspension. It directed a review of her case prior to the end of the six-month period. It also recommended that a reviewing Committee may find it helpful if Ms Orska-Piaskowska were to provide the following evidence:

- Evidence of her co-operation with the GDC following this hearing;
- Evidence of her reflection on the matters found proved in this case;
- Evidence of her insight and remediation; and
- Evidence that she has kept her knowledge and skills up-to-date.

The matter was reviewed on 7 March 2019, Ms Orska-Piaskowska was not present nor represented. That reviewing Committee determined that Ms Orska-Piaskowska's fitness to practise remained impaired and imposed a further period of suspension for 12 months with a review.

The matter was further reviewed at a hearing on 2 March 2020. Ms Orska-Piaskowska was not present nor represented. That Committee also determined that Ms Orska-Piaskowska's fitness to practise remained impaired by reason of her misconduct and imposed a further period of suspension for 12 months with a review hearing. It also recommended that a reviewing Committee may be assisted by the following:

- Evidence of her remediation and CPD;
- Evidence of her reflections addressing the facts found proved;
- Testimonials from recent employers and any other registrant professionals;
- Any other evidence she considers the Committee may find useful.

Today's Review

It is the role of the Committee today to undertake a comprehensive review of this case. In so doing, the Committee had careful regard to all the documentary evidence before it and it took account of the GDC's written submissions. No material or written submissions were received from, or on behalf of, Ms Orska-Piaskowska. The Committee also heard and accepted the advice of the Legal Adviser. The Committee had regard to the GDC's Guidance for the Practice Committees, including Indicative Sanctions Guidance (October 2016, updated May 2019) ("the Guidance").

In its written submissions, the GDC submitted that Ms Orska-Piaskowska had not provided any evidence of insight or remediation to address the concerns raised at the initial hearing. She has also not engaged with the GDC or provided any of the evidence recommended by the previous reviewing Committees. The GDC submitted therefore that Ms Orska-Piaskowska's fitness to practise remained impaired by reason of misconduct. The GDC further submitted that, in light of the non-engagement of Ms Orska-Piaskowska and as she has now been suspended for at least two years, the most appropriate and proportionate sanction would be one of indefinite suspension.

Decision on Current Impairment

In considering whether Ms Orska-Piaskowska's fitness to practise is currently impaired the Committee bore in mind that this was a matter for its own independent judgement. It also had regard to its duty to protect the public, declare and uphold proper standards of conduct and competence and maintain public confidence in the profession. The Committee accepted the advice of the Legal Adviser.

The Committee noted that there had been no material change in the case since the initial hearing. It further noted that the burden was on Ms Orska-Piaskowska to provide evidence to demonstrate to the Committee that her fitness to practise is not impaired. However, she has provided no evidence of her remediation, CPD or testimonials to address the concerns identified at her initial hearing. She has also not provided her reflections on the misconduct or engaged with the proceedings since the initial hearing. The Committee therefore concluded that as there was no evidence of remediation or insight, the risk that she would repeat her misconduct remained.

Accordingly, it has determined that Ms Orska-Piaskowska's fitness to practise remains impaired by reason of misconduct.

Decision on Sanction

The Committee next considered what sanction to impose on Ms Orska-Piaskowska's registration. It has had regard to the GDC's "Guidance for the Practice Committees including Indicative Sanctions Guidance" (October 2016, updated May 2019) as well as the GDC's submissions.

The Committee has found that Ms Orska-Piaskowska's fitness to practise remains impaired. In these circumstances, the Committee concluded that terminating the current suspension order would not be appropriate or sufficient for the protection of the public.

The Committee next considered whether to replace the current suspension order with one of conditions. In so doing, it considered that Ms Orska-Piaskowska had not engaged with these proceedings or provided any evidence to address the concerns identified. The Committee further noted that she has not paid her Annual Retention Fee since 2018. In these circumstances, the Committee was satisfied that conditions were not appropriate, workable or sufficient for this case.

The Committee considered that it was necessary to maintain the current suspension in order to protect the public and safeguard public confidence in the dental profession. However, the Committee considered that it would not be in the public interest for the suspension to be subject to a review in 12 months' time as Ms Orska-Piaskowska has not engaged with these proceedings since the substantive hearing and it seems highly unlikely that she will do so in future. The Committee considered that further reviews of Ms Orska-Piaskowska's suspension would be unlikely to serve any purpose and cause unnecessary costs.

Accordingly, the Committee directed that Ms Orska-Piaskowska's registration be indefinitely suspended. It was satisfied that the provisions of Section 27C(1)(d)(i) and (ii) of the Act were met. It noted that this direction meant that a review of the order could only take place if Ms Orska-Piaskowska requests a review and a minimum of two years has elapsed since the direction took effect. Given that Ms Orska-Piaskowska has been given ample opportunity to remediate and show insight into her misconduct but has not done so, it was satisfied that this direction was appropriate and proportionate.

The effect of the foregoing direction is that, unless Ms Orska-Piaskowska exercises her right of appeal, her registration will be suspended indefinitely from the date on which the direction takes effect.

That concludes this review hearing."