

**Hearing held in public  
PUBLIC DETERMINATION**

**Summary**

<b>Name:</b>	<b>HASSAN, Ayesha [Registration number: 238536]</b>
<b>Type of case:</b>	<b>Professional Conduct Committee (review)</b>
<b>Outcome:</b>	<b>Suspended indefinitely</b>
<b>Date:</b>	<b>29 September 2022</b>
<b>Case number:</b>	<b>CAS-191005</b>

This is a hearing before the Professional Conduct Committee pursuant to section 36Q of the '*Dentists Act 1984 (as amended)*' ('the Act'). Members of the Committee, as well as the Legal Adviser and the Committee Secretary, are participating via Microsoft Teams in line with the General Dental Council's (GDC) current practice of holding hearings remotely.

Neither party was present at today's hearing, following a request for the review of the substantive order to be conducted on the papers. The hearing was conducted remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.

In the absence of both parties, the Committee first considered the issues of service and whether to proceed with the hearing in the absence of Ms Hassan and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

**Decision on service of Notice of Hearing**

The Committee was informed at the start of this hearing that Ms Hassan was neither present nor represented at today's hearing.

In her absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Ms Hassan in accordance with Rules 28 and 65 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules').

The Committee had regard to the indexed hearing bundle of 48 pages, which contained a copy of the Notice, dated 18 July 2022. The Notice was sent to Ms Hassan's registered address by Special Delivery on 18 July 2022, in accordance with Section 50A of the '*Dentists Act 1984 (as amended)*' ('the Act') and via email on the same date.

The Committee was satisfied that the Notice contained proper and correct information relating to today's hearing. This included the time, date and that it is being conducted remotely via Microsoft Teams, as well as notification that the Committee has the power to proceed with the hearing in Ms Hassan's absence.

Whilst it is not a requirement of the Rules, the Committee had sight of an extract from the Royal Mail 'Track and Trace' service which showed the item was delivered to Ms Hassan's registered address on 21 July 2022. It was signed for against the printed name of 'HASSAN'.

In light of the information available, the Committee was satisfied that Ms Hassan has been served with proper notification of this hearing, within a reasonable period of time, in accordance with the Rules.

### **Decision on whether to proceed in the absence of Ms Hassan and on the papers**

The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Ms Hassan and any representative for either party. The Committee was mindful that its decision to proceed in the absence of Ms Hassan must be handled with the utmost care and caution. The Legal Adviser reminded the Committee of the requirement to be fair to both parties, as well as considering the public interest in the expeditious disposal of this case.

The Committee noted the email from Ms Hassan, dated 22 September 2022, which stated:

*"...I will be unable to attend the hearing...I would be grateful if you could let me know outcome of hearing."*

The Committee bore in mind that today's hearing has been arranged as there is a statutory requirement for a substantive order to be reviewed before its expiry. It noted that no application for an adjournment had been made by Ms Hassan, despite the GDC enquiring after Ms Hassan's personal circumstances that may have prevented her from attending. However, no direct response to this enquiry was received. The Committee also noted that Ms Hassan did not attend the previous review in September 2021.

Accordingly, there was no information before the Committee that adjourning would secure her attendance at a later date. On the basis of the information before it, the Committee concluded that Ms Hassan had voluntarily absented herself from today's hearing.

In all these circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Ms Hassan and any representatives for either party.

### **Background**

This hearing was convened to review the current suspension order, which is due to expire on 13 October 2022.

This is the third review of a substantive order initially imposed by the Professional Conduct Committee ('the PCC') as a suspension on Ms Hassan's registration in December 2019.

The order was also reviewed on the following dates:

- 22 September 2020 (suspension order extended for 12 months, with a review);
- 21 September 2021 (suspension order extended for 12 months, with a review).

At the initial substantive hearing, the PCC found Ms Hassan's fitness to practise impaired by reason of misconduct. The PCC's findings can be summarised as follows:

*"In the Committee's judgment, your failures in cross infection control were serious. The Committee accepted... that your conduct fell far below the standard reasonably expected of a dental nurse. These were fundamental breaches of the most basic responsibilities of a dental nurse. Patients were put at a risk of harm by your actions, for which there was no excuse. This was a serious breach of the Standards.*

*Your failure to co-operate with the GDC as part of its investigation into your behaviour is also serious in the Committee's judgment. Your conduct undermined the regulatory role of the GDC and the very scheme of professional regulation. The purpose of professional registration is defeated if the registrant does not even respond to the requests made by the regulator as part of a regulatory investigation. You had been given ample and repeated opportunity to provide the requested information and you failed to do so. This was a serious breach of the Standards. As to your failure to correctly mix the dental material correctly and your failure to bring the dentist the correct forceps, these were negligent acts which were isolated on the evidence before the Committee, and which did not put the patients at risk of harm in respect of the two occasions to which those matters relate."*

The previous reviewing PCC gave the following reasons for its finding of current impairment:

*"The Committee notes that since the last review hearing in September 2020 the GDC emailed Ms Hassan on 24 September 2020 and 01 June 2021, setting out the Committee's recommendations. To date, Ms Hassan has not provided any further evidence.*

*The Committee bore in mind that at a review hearing the onus is on the registrant to demonstrate that their fitness to practise is no longer impaired. There is no evidence before this Committee that Ms Hassan has recognised the seriousness of her misconduct, demonstrated insight or provided any information as recommended to her by the previous reviewing PCC. Given its concerns regarding Ms Hassan's lack of insight and remediation the Committee considers that Ms Hassan's fitness to practise remains impaired by reason of her misconduct."*

The previous PCC directed that Ms Hassan's registration be subject to suspension for a further period of 12 months, with a review, stating:

*"In all the circumstances, the Committee has determined to extend the current suspension order on Ms Hassan's registration for a period of 12 months with a review. In deciding on the period, the Committee took into account the serious nature of Ms Hassan's misconduct in this case. It was satisfied that this further period of suspension is required to address the wider public interest having regard to the lack of engagement of Ms Hassan.*

*The Committee notes that Ms Hassan had previously engaged in her initial and first review hearing and did not consider Ms Hassan demonstrated*

*serious attitudinal problems at this stage. It also had regard to the information contained in the addendum bundle that Ms Hassan's childcare commitments may have impacted upon her ability to remedy these failings.*

*In the event that Ms Hassan decides to engage with the remediation process, a period of 12 months will afford her time to focus on the recommendations made by the previous reviewing Committee in September 2020 as listed above.*

*A Committee will review Ms Hassan's case at a resumed 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 and it will be open to that next reviewing Committee to indefinitely suspend Ms Hassan. Ms Hassan will be informed of the date and time of that resumed hearing."*

## **Submissions**

The GDC, in its written submissions, invited the Committee to impose an indefinite suspension order. It stated that Ms Hassan has not provided any information to address the concerns that were identified by the previous PCCs and no evidence to show any material change in position since the last hearing. It therefore submitted that her fitness to practise remains impaired by reason of her misconduct.

Ms Hassan has not provided any written submissions for the purpose of today's review.

## **Decision on review**

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

In coming to its decision, the Committee had regard to whether Ms Hassan's conduct is capable of remediation, whether it has been remedied and whether it is likely to be repeated.

The Committee noted the GDC's submissions that Ms Hassan has not provided any evidence of remediation since the last review. It accepted the GDC's submission that there has been no material change since the matter was last considered in September 2021. Ms Hassan was written to, following the previous review, reminding her of the PCC's recommendations to address the failings and demonstrate insight. The Committee was satisfied that there has been no response to any communication from the GDC to Ms Hassan in relation to the previous PCC's recommendations.

In the absence of any evidence to the contrary, the Committee determined that Ms Hassan has not remediated her conduct and there remains a significant risk to public safety. Due to the lack of engagement with the GDC, the Committee was also satisfied that public interest is engaged in this case.

As a result of all the above, the Committee concluded that Ms Hassan's fitness to practise remains impaired on the ground of public protection and in the wider public interest.

In considering sanction, the Committee was aware that it should have regard to the principle of proportionality, balancing the public interest against your own interests. The public interest includes the protection of the public, the maintenance of public confidence in the profession, and declaring and upholding standards of conduct and performance within the profession.

The Committee had regard to the ‘*Guidance for the Practice Committees, including Indicative Sanctions Guidance*’ (Revised May 2019). The Committee was aware of the range of sanctions available to it, as set out at 27C(1) of the Act:

- “(a) that the suspension shall be terminated;*
- (b) that the current period of suspension shall be extended for such further period, specified in the direction and not exceeding twelve months, beginning with the date on which it would otherwise expire;*
- (c) that the suspension shall be terminated and the person’s registration in the register shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or*
- (d) that the person’s registration in the register shall be suspended indefinitely...”*

In respect of a) above, the Committee considered that termination of the suspension would be wholly inappropriate in light of the Committee’s finding of continuing current impairment and the complete lack of meaningful engagement from Ms Hassan.

In respect of b) above, the Committee considered that an extension of the suspension order for a period not exceeding 12 months was inappropriate in light of the continuing absence of any engagement, insight or remediation. It could have no confidence that this situation would change within that time frame.

In respect of c) above, the Committee considered that replacing the suspension order with a conditions of practice order would be inappropriate because it could have no confidence that Ms Hassan would comply with such an order, given her lack of engagement and lack of evidence of compliance.

In respect of d) above, the Committee determined that indefinite suspension is the only appropriate and proportionate outcome. This will enable Ms Hassan to seek a review as and when (subject to the minimum period) she is ready to provide a reviewing PCC with the evidence that might enable her return to practice.

Ms Hassan may request a review of the indefinite suspension two years after 13 October 2022, which is the date upon which this order will take effect.

This will be confirmed to you in writing.

That concludes this determination.