

**Professional Conduct Committee
Review Hearing****12 December 2024****Name:** NOTTA, Gurpreet Singh**Registration number:** 150378**Case number:** CAS - 196781-J9P9Z5

General Dental Council: Instructed by Rosie Geddes IHLPS.**Registrant:** Not present or represented

Fitness to practise: Impaired by reason of misconduct**Outcome:** Suspension extended (with a review)**Duration:** 12 months

Committee members: Michael Speakman (Chair and Dentist member)
Valerie Atkinson (Lay member)
Lisa Shaw (Dental Care Professional member)**Legal adviser:** Melanie Swinnerton**Committee Secretary:** Jenny Hazell

1. This is a resumed hearing before the Professional Conduct Committee (PCC) pursuant to section 27C of the Dentists Act 1984 (as amended) ('the Act'). The hearing was conducted remotely using Microsoft Teams.
2. The purpose of this hearing was for the Committee to conduct a statutory review of the order suspending Mr Notta's registration. The order is due to expire on 18 January 2025. The General Dental Council (GDC) requested that the review be conducted on the papers. Neither the GDC nor Mr Notta or any representative acting on behalf of him attended the hearing. The Committee first considered the issues of service and whether to proceed with the hearing in the absence of Mr Notta. The Committee accepted the advice of the Legal Adviser on these matters.

Decision on service

3. The Committee considered whether the Notice of Hearing had been served on Mr Notta in accordance with Rules 28 and 65 of the General Dental Council (Fitness to Practise) Rules 2006 Order of Council ('the Rules') and section 50A(2) of the Act.
4. The Committee received from the GDC a hearing bundle which contained a copy of the Notice of Hearing dated 30 October 2024 ('the Notice'), which was sent to Mr Notta's registered address by special delivery and first-class post. The Committee noted that the Screenshot for Mr Notta's registered address from the GDC's Case Management system matched the address shown on the Notice. The Royal Mail track and trace receipt states that the Royal Mail attempted to deliver the item on 2 November 2024 but there did not appear to be anyone in. The screenshot of the envelope contains a return sticker by the Royal Mail which states that it was unable to deliver the item "because not collected". The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the Notice, only that it was sent.
5. The Committee was satisfied that the Notice sent to Mr Notta on 30 October 2024 complied with the required 28 day notice period. It was also satisfied that the Notice contained proper notification of today's hearing, including its date and time, as well as confirmation that the hearing would be held remotely via Microsoft Teams. Mr Notta was also notified that the Committee had the power to proceed with the hearing in his absence.
6. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Mr Notta in accordance with Rules 28 and 65 and Section 50A(2) of the Act.

Decision on whether to proceed with the hearing in the absence of Mr Notta

7. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Notta. It approached this issue with the utmost care and caution. The Committee was mindful of the need to be fair to both Mr Notta and the GDC, taking into account the public interest in the expeditious review of the order.
8. The Committee noted from the Notice of Hearing letter dated 30 October 2024 that Mr Notta was asked to confirm by 11 November 2024 to the GDC whether he would be attending the hearing and/or whether he would be represented. No response was received from Mr Notta. The Committee noted that the GDC made further attempts on 12 November 2024 to contact Mr Notta by email to remind him of the hearing date and encourage him to get in contact. The GDC received no response from Mr Notta and the email was returned on 12 November 2024 as 'undeliverable'.
9. In addition, the Committee had regard to the addendum bundle which contained a copy of a telephone attendance note dated 9 December 2024 which records that the GDC's Assistant Presentation Lawyer called Mr Notta on his registered phone number on that date but the call went straight to voicemail. A message was left for Mr Notta to contact the GDC urgently. The GDC also sent an email dated 9 December 2024 to Mr Notta, advising him that the Committee could proceed in his absence and inviting him to contact to the GDC if he had any queries or wished to submit any documents. No response had been received.
10. The Committee therefore concluded that Mr Notta has voluntarily absented himself from today's proceedings. There was no information before it to indicate that an adjournment was likely to secure his attendance on a future date. It bore in mind Mr Notta's non-attendance at previous hearings of his case.
11. The Committee noted that the current order must be reviewed before it expires on 18 January 2025. 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 Mr Notta and on the papers.

Background to Mr Notta's case

12. Mr Notta's case was first considered by a PCC at a hearing in June 2023. Mr Notta did not attend and was not represented at the hearing. The case concerned a complaint the GDC had received from a patient relating to orthodontic treatment provided by Mr Notta on or around October 2018. The patient's complaint was regarding Mr Notta's provision of 'Fast Braces' treatment.

13. At the hearing in June 2023, the PCC found proved allegations against Mr Notta relating to the following:
- Failure to provide an adequate standard of care, which included:
 - Failure to accurately diagnose the level of horizontal bone loss;
 - Failure to conduct any and/or any adequate investigation of the cause of horizontal bone loss before planning and/or providing orthodontic treatment;
 - Failure to take appropriate steps in relation to the diagnosis of periodontitis before providing orthodontic treatment.
 - Failure to carry out sufficient treatment planning before providing orthodontic treatment.
 - Failure to maintain an adequate standard of record keeping, which included:
 - Failure to record a justification for bitewing radiographs.
 - Failure to record any and/or any adequate justification for an OPG radiograph.
 - Failure to accurately record the level of horizontal bone loss apparent on the OPG taken.
14. The PCC made a finding of impairment by reason of Mr Notta's misconduct on the grounds of public protection and the public interest. It considered that Mr Notta's shortcomings related to identifiable, basic and fundamental aspects of dentistry which were capable of being remedied. However, that PCC noted that there was no evidence of meaningful engagement and insight from Mr Notta and that there appeared to be a pattern of behaviour from his previous PCC case in November 2021. The PCC considered that Mr Notta was at risk of repeating his acts and omissions and that the public was at continuing risk of harm.
15. The PCC also considered that trust and confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances of the case.
16. The PCC determined that an order of suspension for six months with a review, would be the appropriate and proportionate outcome. It also imposed an immediate order of suspension.

PCC review Hearing – 5 January 2024

17. The PCC reviewed the suspension order at a hearing on 5 January 2024, in the absence of parties.

18. The PCC noted that Mr Notta had not engaged with these proceedings or provided any evidence of remediation, as recommended by the substantive Committee. In these circumstances, the PCC considered that there remained a risk of repetition of the failings identified by the PCC in June 2023. The PCC determined that Mr Notta's fitness to practise remained impaired on the grounds of public protection and the public interest.
19. The PCC concluded that given Mr Notta's continued lack of engagement with the proceedings and the absence of any evidence to address the concerns identified, conditions were not appropriate, workable or sufficient in this case. The PCC therefore directed that Mr Notta's registration be suspended for the maximum period of 12 months with a review before the expiry. That PCC also re-iterated the recommendations of the substantive Committee in terms of seeing evidence of remediation and insight.

Today's PCC review Hearing

20. The Committee carried out a comprehensive review of Mr Notta's case. In so doing, the Committee had regard to all the documentary evidence contained in the GDC bundle as well as the written submissions from the GDC.
21. The Committee accepted the advice of the Legal Adviser. The Committee was aware that the persuasive burden in respect of demonstrating that the Registrant's fitness to practise is no longer impaired lies with the Registrant. It has noted the absence of any information from, or on behalf of, Mr Notta.
22. The GDC's position is that there is no material change in circumstances since the last hearing. Mr Notta has not engaged with the GDC since before the PCC hearing and he has not responded to any correspondence sent by the GDC regarding this hearing. It submitted that Mr Notta's fitness to practise remains impaired by reason of his misconduct, as in the absence of any evidence of remediation or insight into the misconduct there remains a high risk of repetition, and therefore a risk of harm to patients. The GDC submitted that it would be appropriate and proportionate to extend the order of suspension for 12 months, with a review.

Decision on Current Impairment

23. The Committee first considered whether Mr Notta's fitness to practise was currently impaired by reason of his misconduct. It bore in mind that it is not bound by the decision of the previous committees. It balanced Mr Notta's interests with those of the public and kept in mind that its primary duty is to protect the public, including maintaining public confidence in the profession and declaring and upholding proper standards and behaviour.
24. The Committee is aware that the onus is on Mr Notta to demonstrate that he has satisfactorily addressed the failings identified at the initial PCC hearing in June 2023 and repeated by the PCC at the review hearing in January 2024. The Committee noted that the findings against Mr Notta related to fundamental aspects of dentistry. To date,

Mr Notta has not provided any evidence of remediation for consideration by this Committee or previous Committees. In the absence of any evidence of remediation or insight by Mr Notta as to his previous clinical failings, the Committee considered that there remains a risk of repetition. The Committee determined, therefore, that Mr Notta's fitness to practise remains impaired on the grounds of public protection.

25. Further, the Committee considered that in the absence of any evidence of remediation and insight from Mr Notta to show that the clinical failings have been satisfactorily addressed, public confidence in the profession would be undermined if a finding of impairment was not made on the grounds of the public interest.
26. Accordingly, the Committee concluded that Mr Notta's fitness to practise remains impaired by reason of misconduct.

Decision on Sanction

27. The Committee next considered what sanction to impose on Mr Notta's registration. In doing so, the Committee had regard to the GDC's Guidance for the Practice Committees, including Indicative Sanctions Guidance (October 2016, updated December 2020) ("the Guidance").
28. The Committee has found that Mr Notta's fitness to practise remains impaired and that there remains a risk of repetition of the clinical failings identified by the PCC in June 2023. In these circumstances, the Committee concluded that terminating the current suspension order would not adequately protect the public or maintain public confidence in the dental profession.
29. The Committee next considered whether to replace the current suspension order with one of conditions. It noted that Mr Notta has not engaged with these proceedings since June 2023 or provided any evidence to address the concerns identified. In these circumstances, the Committee determined that conditions would not be appropriate, workable or sufficient for this case.
30. Accordingly, the Committee concluded that it was necessary and proportionate to maintain the current suspension order so as to protect the public and maintain public confidence in the dental profession. The Committee decided that in light of Mr Notta's continued non-engagement with these proceedings his registration should be suspended for the maximum further period of 12 months with a review before the expiry.
31. The Committee also wished to re-iterate the recommendations of the substantive Committee in that the next reviewing Committee may be assisted by seeing evidence of the following:
 - Mr Notta having further reflected upon and demonstrated more insight into the matters that have culminated in the substantive Committee's findings of fact, misconduct, impairment and sanction; and
 - Up-to-date evidence of further steps that Mr Notta has taken to remediate the shortcomings that have been identified, including but not limited to a written

reflective piece, testimonials from employers for any paid or unpaid work undertaken, and targeted, focussed and up-to-date CPD.

32. Mr Notta will have 28 days, from the date that notice is deemed to have been served upon him, to appeal this Committee's direction. Unless he exercises his right of appeal, the current order of suspension will be extended by a period of 12 months.
33. That concludes this hearing.