

PRIVATE HEARING

Professional Conduct Committee Review Hearing

12 June 2024

Name: Price, Lynn
Registration number: 153277
Case number: CAS-197298-J8W5G6

General Dental Council: Ms Amy Woolfson, counsel.
Instructed by IHLPS.
Registrant: Not present and unrepresented.

Fitness to practise: Impaired by reason of misconduct, conviction and adverse health
Outcome: Suspension extended (with a review)
Duration: 12 months

Committee members: Helen Goulding (Chair and lay member)
Joanna Krupska (Dentist member)
Stacey Firby (DCP member)
Legal adviser: David Marshall
Committee Secretary: Jamie Barge

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

1. This is a Professional Conduct Committee hearing. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams in line with current GDC practice. Ms Price was neither present nor represented in this hearing. Ms Amy Woolfson (Counsel) is the Case Presenter for the General Dental Council (GDC).

Purpose of the hearing

2. This was a review hearing before the Professional Conduct Committee (PCC) in accordance with Section 36Q of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing was for this PCC to review Ms Price's case and determine what action to take in relation to her registration.

Preliminary matters

Decision on service of notification of hearing

3. In Ms Price's absence Ms Woolfson submitted that the notification of hearing had been served on her in accordance with Rules 13 and 65 of the General Dental Council (GDC) (Fitness to Practice) Rules Order of Council 2006 ("the Rules").

4. The Committee had before it a copy of the notification of hearing letter dated 9 May 2024, which was sent by Royal Mail Special Delivery, Tracked and Signed, to Ms Price's registered address as it appears in the Register. It was satisfied that the letter contained all the components necessary such as the date, time and venue (Microsoft Teams) in accordance with Rule 13. The Committee noted the Royal Mail track and trace report showed that delivery was made on 11 May 2024. The notice of hearing was also sent to Ms Price via email.

5. Having accepted 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 Ms Price's absence

6. Ms Woolfson then made an application under Rule 54 that the hearing should proceed in Ms Price's absence. 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 Ms Woolfson's submissions, and it accepted the advice of the Legal Adviser.

7. The Committee noted that throughout the period of time of this matter proceeding there have been numerous attempts by the GDC, particularly via email, to contact Ms Price and to engage with her. There appears to be a pattern of non-engagement with her regulatory body.

8. The Committee found that all reasonable efforts had been made by the GDC to bring the matter to Ms Price's attention. There was no request from Ms Price for an adjournment of the hearing. In considering whether to exercise its discretion to proceed in her absence the Committee had regard, amongst other things, to the public interest in the expeditious disposal of this case, and the requirement to review this order before it expires, as well as fairness to Ms Price. The Committee

was of the view that an adjournment was unlikely to secure Ms Price's attendance at a future hearing and it was satisfied there was no good reason to adjourn. For all these reasons the Committee determined to proceed with the hearing in Ms Price's absence.

Application for the hearing to be held in private.

9. Ms Woolfson made an application given that some of the matters in this case relate to the health of the Registrant, that the hearing should be held partly in private.

10. The Committee considered Ms Woolfson's submissions and accepted the advice of the Legal Adviser. It considered Rule 53, taking into account the public interest and fairness to Ms Price. The Committee first considered the public interest and also reflected on the need for open justice and transparency. The Committee also considered the need to protect Ms Price's right to a private life and therefore considered it necessary to hold the hearing partly in private.

11. The Committee therefore acceded to the application and determined to hold the hearing partly in private, given that some matters relate to the health of Ms Price.

Case background

12. Ms Price's case was considered by a PCC at a hearing in June 2023. Ms Price did not attend that hearing nor was she represented in her absence. That initial PCC considered allegations against her brought by the GDC. The overriding allegation against Ms Price was one of impaired fitness to practise by reason of her conviction, misconduct and adverse health.

13. The PCC in June 2023 found all the allegations against Ms Price proved including:

- She was convicted on 02 August 2017 at Merseyside Magistrates Court of driving a motor vehicle with alcohol in excess of the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
- From 21 May 2021 until on or about 14 July 2021 Ms Price failed to respond to the General Dental Council's letter of 07 May 2021 which required Ms Price to provide specified information, including proof of indemnity arrangements, employment details and [IN PRIVATE].
- From 21 May 2021 until on or about 14 July 2021 Ms Price failed to cooperate with an investigation conducted by the General Dental Council [IN PRIVATE].
- From 02 August 2017 until on or about 22 April 2021 she did not inform an employer, [EMPLOYER B] of her criminal conviction, and that her conduct was misleading and was dishonest.
- Ms Price provided false information to her former employer, [EMPLOYER B], regarding your continued employment in dentistry, by stating that she had declined the role at [EMPLOYER A], when in fact Ms Price had accepted employment with them, and that her conduct was misleading and was dishonest.
- [IN PRIVATE].

14. The initial PCC concluded that Ms Price's actions in failing to cooperate with the GDC's investigation into concerns about her health, failure to inform her employer, [EMPLOYER B], of her criminal conviction and providing false information to her former employer, [EMPLOYER B], regarding her continued employment in dentistry amounted to misconduct. It determined that Ms Price's behaviour had fallen far short of the standards of conduct that were proper in the circumstances.

15. The initial PCC went on to determine that Ms Price's fitness to practise was impaired by reason of her misconduct, conviction and adverse health. It imposed a suspension order for a period of 12 months and directed a review prior to the expiry of the 12-month period.

Today's review

16. This is the first review of the suspension order first imposed on Ms Price's registration in June 2023. In comprehensively reviewing the order today, the Committee considered all the evidence provided. It took account of the oral submissions made by Ms Woolfson. The Committee accepted the advice of the Legal Adviser.

Submissions

17. Ms Woolfson submitted that, at this review, the persuasive burden is upon Ms Price to satisfy the Committee that her fitness to practise is no longer impaired. Ms Price has failed to engage in the process and provide information as to her current insight and remediation with regard to her misconduct and conviction. [IN PRIVATE] Ms Woolfson stated that it was the position of the GDC that nothing has changed since the last hearing in June 2023 and therefore Ms Price's fitness to practise remains impaired. Ms Woolfson invited the Committee to extend the suspension order in place on her registration by a period of 12 months with a review. She submitted that an extension of 12 months would give Ms Price a further opportunity to provide evidence of her insight and remediation.

18. No written submissions were received from Ms Price.

Decision on current impairment

19. The Committee considered whether Ms Price's fitness to practise remains impaired, as of today, by reason of her conviction, misconduct and adverse health. In doing so, it exercised its independent judgement. It had regard to the over-arching objective of the GDC, which is: 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.

20. The Committee took into account that, at this review, the persuasive burden rests with Ms Price to demonstrate that she has addressed her past impairments. The Committee noted that Ms Price has not engaged with the GDC at all over the past 12 months. Consequently, there is no material from her before the Committee today.

21. The Committee was satisfied that Ms Price has failed to provide evidence of her insight and remediation to demonstrate that she has fulfilled the recommendations made by the previous PCC. It therefore considered that there remains a risk of repetition, and consequently a risk to the public on account of her misconduct, conviction and her health. With regard to Ms Price's misconduct, the Committee considered that there is no evidence of her understanding of the importance of fully engaging with her regulatory body, and the impact on its ability to properly carry out its regulatory functions to protect the public. In relation to Ms Price's conviction, the Committee considered that in the absence of sufficient insight and reflection in relation to the circumstances and the impact of her drink driving offence, there remains an inherent risk of repetition.

22. [IN PRIVATE]

23. Whilst the Committee considered that the concerns raised in respect of Ms Price are remediable, it received no evidence of her insight into the identified issues, or any significant evidence of any remedial action she has taken, including to guard against recurrence. Accordingly, the Committee could only conclude that the concerns remain.

24. In all the circumstances, the Committee considered that there would be an ongoing risk to the public if Ms Price were permitted to return to unrestricted practice. A finding of impairment is therefore necessary for the protection of the public on all three grounds.

25. The Committee also considered that such a finding is required in the wider public interest, to maintain public confidence in the dental profession. Ms Price's lack of engagement has continued over the past year, and there is no evidence to suggest that Ms Price has made any efforts to address the matters found proved against her in June 2023. The Committee was of the view that public confidence in the dental profession would be undermined if a finding of impairment were not made in these circumstances. It also remained mindful of its duty to uphold proper professional standards.

26. Accordingly, the Committee determined that Ms Price's fitness to practise remains impaired by reason of her conviction, misconduct and adverse health.

Decision on sanction

27. The Committee next considered what action to take in respect of Ms Price's registration. It had regard to section 36Q(1) of the Act, which sets out the options available to the Committee at this review.

28. In reaching its decision, the Committee took into account the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016; revised December 2020)*'. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect the public and the wider public interest. The Committee applied the principle of proportionality, balancing the public interest with Ms Price's own interests.

29. In the absence of any evidence to indicate that the serious concerns have been adequately addressed, the Committee determined that it would be inappropriate to terminate the current suspension and take no further action. The Committee has identified a risk of repetition in this case and such a course would not protect the public or uphold the wider public interest.

30. The Committee considered whether to impose a period of conditional registration. It concluded that conditions would not be appropriate or proportionate. Ms Price has not engaged with these proceedings. There is, therefore, no evidence that she would comply with any conditions that could be formulated. The Committee decided that in the absence of such evidence, conditional registration would not serve to protect the public, nor would such an outcome satisfy the public interest.

31. The Committee next considered whether to suspend Ms Price's registration for a further specified period. In doing so, the Committee took into account that an extension of the current suspension order would safeguard the public from any repetition of the identified concerns.

32. The Committee considered the public interest in these matters, in particular the use of resources in conducting review hearings. Ms Price has failed to meaningfully engage with the fitness to practise hearings, there is nothing to indicate any future engagement on Ms Price's part. There has been no evidence to suggest that she has acknowledged the serious findings made against her.

33. In reaching its decision, the Committee considered Ms Price's interests and the potential consequences that a further period of suspension may have for her. However, it decided that the public interest outweighs Ms Price's own interests in this particular case.

34. Accordingly, having had regard to all of the evidence, the Committee has directed that Ms Price's registration be suspended for a further period of 12 months. The Committee is satisfied that this period of time is sufficient to mark the nature and extent of her misconduct, to uphold professional standards and to maintain public confidence in the profession and the regulatory system.

35. The Committee also directs that the suspension order be reviewed before its expiry. Ms Price will be informed of the date and time of that resumed hearing. That Committee will consider what action it should take in relation to her registration. Ms Price will need to satisfy another Committee reviewing her case that she has addressed the concerns identified by this Committee and that she is fit to practise.

36. The reviewing Committee may be assisted to receive:

- *A detailed reflective statement demonstrating Ms Price's insight into and understanding of her misconduct and conviction and its impact on the dental profession and the public confidence.*
- *Evidence of engagement with the GDC [IN PRIVATE].*

37. That concludes this determination.