

**PUBLIC HEARING****Professional Conduct Committee  
Review Hearing****22 November 2024**

**Name:** JOLIE, Jacqueline

**Registration number:** 123349

**Case number:** CAS-196867-R8C1P9

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**General Dental Council:** Represented by Rochelle Williams, IHLPS.

**Registrant:** Unrepresented

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**Fitness to practise:** Impaired by reason of misconduct

**Outcome:** Suspended indefinitely

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**Committee members:** Peter Omner (Chair and Dentist member)  
Jim Hurden (Lay member)\_  
Donna Lightbody (DCP member)

**Legal adviser:** Angus McPherson

**Committee Secretary:** Jamie Barge

1. This is a resumed hearing of Ms Jolie's case before the Professional Conduct Committee (PCC), pursuant to section 36Q of the *Dentists Act 1984 (as amended)* ('the Act').
2. The hearing is being conducted remotely by Microsoft Teams video-link.

### **Purpose of the hearing**

3. The purpose of the hearing has been to review a substantive order of suspension currently in place on Ms Jolie's registration. Neither party is present today, following a request made by the General Dental Council (GDC) for the review to take place on the papers. The Committee received an indexed hearing bundle ('the PCC Resumed Bundle'), a copy of the GDC's email correspondence to Ms Jolie regarding this hearing and the GDC's written submissions.

### **Service and proceeding**

4. The Committee first considered the issues of service and proceeding in the absence of Ms Jolie and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

### **Decision on service**

5. The Committee considered whether notice of the hearing had been served on Ms Jolie in accordance with Rules 28 and 65 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), and section 50A of the Act.

6. The PCC Resumed Bundle of 44 pages contained a copy of the Notice of Hearing, dated 17 October 2023 ('the notice'), which was sent to Ms Jolie's registered address by Special Delivery and First-Class post. The Committee noted from the Royal Mail 'Track and Trace' receipt provided, that the copy of the notice sent by Special Delivery was 'returned to sender' on 23 October 2023. The delivery information indicated that the addressee had gone away, and that delivery of the notice was refused.

7. 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. The Committee was satisfied from the proof of postage information that the requirement of sending notice had been met by the Council. The Committee also noted that on 17 October 2023, a copy of the notice was sent to Ms Jolie by email.

8. The Committee was satisfied that the notice sent to Ms Jolie complied with the 28-day notice period required by the Rules. It was further satisfied that the notice contained all the required particulars, including the date and time of the hearing, confirmation that it could be held remotely by Microsoft Teams, and that the Committee had the power to proceed with the hearing in Ms Jolie's absence.

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

### **Decision on whether to proceed with the hearing in the absence of the registrant and on the papers**

10. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Ms Jolie, and any representative for either party. 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, and as

affirmed in the joined regulatory cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis* [2016] EWCA Civ 162.

11. The Committee remained mindful that fairness to Ms Jolie was an important consideration, but it also took into account the need to be fair to the GDC. The Committee had regard to the GDC's written submissions in which the Council invited the Committee to exercise its discretion to proceed with the hearing. The Committee further had regard to the public interest in the expeditious review of the current order on Ms Jolie's registration.

12. The Committee was satisfied that all reasonable efforts had been made by the GDC to notify Ms Jolie of today's resumed hearing. It noted that in addition to serving the notice of 17 October 2023, the Council sent Ms Jolie emails to enquire whether she would be attending today's hearing and, if not, whether she would object to the review taking place on the papers. Ms Jolie was also asked if she had any documents she wished to put before the Committee. There has been no response from her to any of the GDC's communications about these proceedings.

13. The Committee had regard to its statutory duty to review the current suspension order, which is due to expire on 2 January 2025. It took into account that Ms Jolie did not apply for an adjournment of this hearing. Indeed, she has not engaged at all from the outset of these fitness to practise proceedings. Accordingly, there is no information before the Committee to suggest that deferring today's hearing would secure her attendance on a future date. The Committee considered that Ms Jolie has a duty to engage with her regulatory body, which includes keeping all her contact details up to date. In all the circumstances, the Committee was satisfied that Ms Jolie had waived her right to attend this hearing and it concluded that an adjournment would serve no meaningful purpose.

14. Accordingly, the Committee determined that it was fair and in the public interest to proceed with the review on the papers in the absence of both parties.

### **Case background**

15. Ms Jolie's case was first considered by a PCC at a hearing which took place in November and December 2021. She did not attend that hearing nor was she represented in her absence.

16. The case background relates to a period between July 2019 and February 2020, when Ms Jolie was working as a freelance workplace assessor for a Training Dental Agency and College. Ms Jolie's role involved carrying out workplace observations of trainee dental nurses and compiling reports on each trainee detailing whether they had met the required competencies to perform suitable skills and tasks.

17. The initial PCC in 2021 found proved allegations that in respect of three individuals, Ms Jolie had signed off some observation reports as completed work, when in fact she had not observed them. Ms Jolie's conduct in this regard was found to be misleading and dishonest. It was further found by the initial PCC that, when completing observation reports on some individuals learning to be dental care professionals, Ms Jolie had used the same wording in respect of multiple reports. This aspect of her conduct was found to be misleading, but not dishonest. The initial PCC found that the reports prepared by Ms Jolie were formulaic, lacked individualisation, and may not have been descriptive of individuals' performance. However, the Committee was not satisfied that Ms Jolie had intended to be dishonest, rather that it was more a case of her reports being "*sub-optimal*".

18. The PCC in 2021 determined that the facts found proved against Ms Jolie amounted to misconduct. It stated in its decision that:

“When considering the two aspects of report writing which were of concern in this case, the Committee was of the view that Ms Jolie’s shortcomings in writing formulaic reports were unsatisfactory, but less significant than the reports which incorporated details of some ingredients of assessments which had not been observed and which the Committee found to constitute dishonest behaviour. The Committee considered that Ms Jolie’s overall actions in this case were serious and fell far below the standards expected. It determined that her conduct had a significant impact on the dental trainees, on the training providers... the awarding body ... and could have resulted in the public being harmed. Furthermore, the Committee considered that Ms Jolie’s failures were wide-ranging and took place over an extended period of time, and therefore they could not be considered as a one-off incident.

The Committee concluded, therefore, that the charges found proved in this case were clearly serious matters, that Ms Jolie had fallen far short of the standards of conduct that were proper in these circumstances and this amounted to misconduct.”

19. In determining that Ms Jolie’s fitness to practise was impaired by reason of her misconduct, the initial Committee stated that:

When making its decision on impairment, the Committee noted that Ms Jolie’s misconduct involved dishonesty and, therefore, was attitudinal in nature and less easily remediable. However, the Committee has seen no evidence that Ms Jolie has remediated the concerns. Ms Jolie has not engaged with these proceedings and submitted no evidence that she has reflected on her behaviour or shown remorse for her actions. The Committee bore in mind that there were multiple instances of her misconduct and that this occurred over a long period of time and whilst she was working for two institutions. The Committee also noted that Ms Jolie has not admitted to the allegations. The Committee determined, therefore, that in the absence of any evidence of remediation or insight, it is highly likely that Ms Jolie could repeat the misconduct it has found. In the Committee’s view, Ms Jolie’s actions had a considerable impact on the trainee dental nurses involved and her conduct demonstrated a disregard for the important role in the training and education of dental nurses in general. Her actions could have led to dental nurses not possessing the sufficient skills to practise safely and could have resulted in potential harm to the public. It therefore considered that a finding of impairment is necessary in the interest of public protection.

The Committee also determined that a finding of impairment is necessary in the wider public interest to maintain public confidence and uphold proper standards of conduct and behaviour. Ms Jolie’s failings in this case were wide-ranging and fundamental and included a breach of the principal tenet of being honest. Ms Jolie has also provided no evidence of her insight into her behaviour. The Committee concluded that a reasonable and informed member of the public, fully aware of the facts of the case, would lose confidence in the profession and the dental regulator if a finding of impairment was not made in the circumstances of this case.”

20. The PCC in 2021 directed that Ms Jolie’s registration should be suspended for a period of 12 months and it imposed an immediate order of suspension. It also directed a review of the substantive order of suspension shortly before its expiry.

21. In suspending Ms Jolie’s registration for 12 months and directing a review, that Committee stated:

“The Committee is satisfied that this period of time is sufficient to mark the nature and extent of Ms Jolie’s misconduct, to uphold professional standards and to maintain public confidence in the profession. In addition, the Committee considered that this will give Ms Jolie time to engage with the GDC, reflect on her behaviour and develop the necessary insight into her misconduct.”

22. A resumed hearing of Ms Jolie's case was held on 14 December 2022. She did not attend the hearing, and she was not represented in her absence.

23. In determining that Ms Jolie's fitness to practise remained impaired by reason of her misconduct, the reviewing PCC in December 2022 stated as follows:

"...Ms Jolie did not engage with the GDC at the substantive hearing and has not demonstrated any remediation of the concerns found proved, which included wide-ranging and fundamental failures of her profession, and dishonesty. Ms Jolie has not engaged with the GDC since the imposition of the suspension in December 2021.

The Committee determined that as there has been no material change since the imposition of the order, and in the absence of any insight or remediation, there remains a risk of repetition of the behaviour previously identified.

Accordingly, the Committee found that Ms Jolie's fitness to practise remains impaired on the ground of public safety.

In addition, the Committee found that a reasonable member of the public would be dismayed if Ms Jolie's fitness to practise was not found to be impaired at this stage, particularly as she has not engaged with the GDC since the imposition of the order. In order to uphold standards and maintain public confidence in the profession, the Committee also determined that Ms Jolie's fitness to practise remains impaired on the ground of public interest."

24. The PCC in December 2022 directed that the suspension order on Ms Jolie's registration should be extended by a period of 12 months, and it directed a further review of her case shortly before the end of the 12-month period. That Committee stated that *"This would allow Ms Jolie further time to engage with the GDC and provide evidence of insight and remediation into the conduct that resulted in the imposition of the suspension."*

### **Second resumed hearing**

25. A resumed hearing of Ms Jolie's case was held on 12 December 2023. She did not attend the hearing, and she was not represented in her absence.

26. In determining that Ms Jolie's fitness to practise remained impaired by reason of her misconduct, the reviewing PCC in December 2023 stated as follows:

*".....The initial PCC in 2021 found that Ms Jolie had acted dishonestly in her role as a workplace assessor. In this Committee's view, an attitudinal problem such as dishonesty poses a real risk of harm to the public, as it raises a concern about whether the dental professional in question can be trusted. Whilst the Committee noted that attitudinal issues are difficult to remedy, it did not consider remediation to be an impossibility. However, in the absence of any evidence of insight or remediation into the serious findings made against Ms Jolie, the Committee concluded that there remains a significant risk of repetition in this case. It therefore determined that a finding of current impairment is necessary for the protection of the public.*

*The Committee further determined that a finding of impairment is in the wider public interest. Given Ms Jolie's complete lack of engagement and the resultant lack of evidence of insight and remediation, the Committee considered that public confidence in the dental profession*

*would be seriously undermined if a finding of impairment were not made. The Committee also considered that such a finding is required to declare and uphold proper professional standards...”*

27. The PCC in December 2022 directed that the suspension order on Ms Jolie’s registration should be extended by a period of 12 months, and it directed a further review of her case shortly before the end of the 12-month period. That Committee stated that “...*It was the view of the Committee, taking into account the potential for remediation, that Ms Jolie should be given the opportunity to decide if she wants to continue with her career in dentistry...*It was satisfied that a 12-month period would serve to uphold the wider public interest, as well as provide an opportunity for Ms Jolie to re-engage with her regulatory body.

### **Third resumed hearing**

28. This is the third review of the substantive order of suspension. In comprehensively reviewing the order today, the Committee considered all the evidence before it. It took account of the written submissions made by the GDC. The Committee accepted the advice of the Legal Adviser. The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, last revised December 2020).

29. In its written submissions, the GDC submitted that “*the Registrant’s fitness to practise remains impaired by reason of her misconduct. Although the Registrant’s conduct is remediable, she has continued to fail to address the concerns raised including by demonstrating insight into the importance of cooperating with her regulator. Further, the Registrant has demonstrated misleading and dishonest behaviour which suggests attitudinal problems which are difficult to remediate. There is a high risk of repetition of her conduct in the circumstances and the public would expect the Council to take action in respect of such serious concerns. A finding of current impairment is therefore required on the grounds of public protection and public interest.*” The GDC has proposed that this Committee should give a direction for indefinite suspension.

### **Decision on current impairment**

30. The Committee noted that there has been no engagement at all from Ms Jolie since the last hearing. She put before the Committee no evidence whatsoever of insight or remediation. She was given clear guidance by the previous Committee on how she might provide evidence of remediation for the reviewing Committee but has supplied no such evidence. The Committee today is in no different a position to the last Committee. Ms Jolie continues to demonstrate a lack of insight into the serious attitudinal failings which led to the finding of impairment. In the Committee’s judgment, there remains a risk of repetition should she be allowed to practise without restriction. Further, public confidence in the profession would also be seriously undermined if no finding of impairment were made today. Ms Jolie’s failings are attitudinal in nature. There has been a repeated failure over period of years to demonstrate any meaningful insight into her misconduct. Over a period of some 3 years, she has also provided any evidence of remediation.

31. Accordingly, the Committee finds that Ms Jolie’s fitness to practise continues to be impaired by reason of her misconduct.

**Decision on sanction**

32. The Committee then went onto consider the issue of sanction. It noted the GDC's submissions which stated "...*The Council is aware that the Committee will consider the least restrictive sanction first, in this instance that is replacing the order of suspension with an order of conditions. The Council respectfully submits that an order of conditions remains wholly inappropriate in this matter given the Registrant's persistent lack of engagement, lack of insight and failure to demonstrate any meaningful steps towards remediating her conduct. A further period of suspension is also unlikely to serve any purpose particularly given the number of opportunities that have been afforded to the Registrant to engage with these proceedings. The Council submit that it would be appropriate and proportionate to consider imposing an indefinite suspension on the Registrant's registration...*"

33. The Committee is satisfied that there is nothing to suggest that conditions of practice could be formulated which would be measurable, workable or proportionate. Ms Jolie is not engaging at all in these proceedings, and she has not remedied her failings when her registration was subject to restrictions. The suspension of her registration therefore remains necessary and proportionate. There is nothing to suggest that a reviewing Committee would be in any different position in 12 months (the maximum fixed period of suspension the Committee can direct). Ms Jolie is currently not engaging at all in these proceedings. Since 2021 she has repeatedly failed to demonstrate any evidence of remediation.

34. Accordingly, the Committee directs that Ms Jolie registration be suspended indefinitely.

35. That concludes the hearing.