

On Papers

Professional Conduct Committee Review Hearing

21 April 2026

Name: HAMILTON, Malcolm

Registration number: 64770

Case number: CAS-202067

General Dental Council: Jalpa Patel, IHLPS

Registrant: Unrepresented

Outcome: Suspension extended (with a review)

Duration: 12 months

Committee members: Jill Crawford (Chair and Lay Member)
Gill Jones (Dentist Member)
Emma Haywood (Dental Care Professional Member)

Legal adviser: Paul Moulder

Committee Secretary: Kate Anderson

1. This is a resumed hearing of Mr Hamilton's case before the Professional Conduct Committee (PCC) pursuant to section 27C of the *Dentists Act 1984 (as amended)* ('the Act').

2. The hearing is being conducted remotely by Microsoft Teams.

Purpose of the hearing

3. The purpose of the hearing has been for the Committee to review a substantive order of suspension currently in place on Mr Hamilton's registration.

4. Neither party is present today. The Committee received written submissions from the General Dental Council (GDC) dated 'April 2026'. The GDC did not receive any submissions from, or on behalf of, Mr Hamilton.

Service and proceeding

5. The Committee first considered the issues of service and proceeding in the absence of Mr Hamilton and any representatives for either party. It accepted the advice of the Legal Adviser on these matters.

Decision on service

6. The Committee considered whether notice of the hearing had been served on Mr Hamilton 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.

7. The Committee had before it a PCC Review hearing bundle of 42 pages which contained a copy of the Notice of Hearing, dated 19 March 2026 ('the notice'). The notice was sent to Mr Hamilton's registered address by Special Delivery and First Class post. 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.

8. The Committee further noted that on 19 March 2026, a copy of the notice was sent to Mr Hamilton by way of an attachment within a secure email.

9. The Committee was satisfied that the notice sent to Mr Hamilton complied with the 28-day notice period specified by the Rules. It was further satisfied that the notice contained all the required particulars, including the date and time of the hearing, and that it was intended that the hearing would take place on the papers. Mr Hamilton was also advised that the Committee had the power to proceed with the hearing in his absence.

10. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Mr Hamilton 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

11. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Hamilton, and any representative for either party. It took account of the factors to be considered in reaching its decision, as set out in the case of *R v Jones [2002] UKHL 5*, and as affirmed in subsequent regulatory cases, including the joined cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis* [2016] EWCA Civ 162.

12. The Committee remained mindful that fairness to Mr Hamilton was an important consideration, but it also took into account the need to be fair to the GDC. The Committee further considered the public interest in the expeditious review of the current order on Mr Hamilton's registration.

13. The Committee had regard to the Telephone attendance note in which Mr Hamilton had informed the GDC via phone call on 18 March 2026 that he was '*no longer practising as a dentist and wants nothing to do with the matter*'.

14. The Committee also had regard to the written submissions of the GDC inviting it to proceed in Mr Hamilton's absence and on the papers.

15. Given the indications received from both parties, particularly the non-engagement of Mr Hamilton with the process, the Committee considered that adjourning the hearing would serve no meaningful purpose. Mr Hamilton did not request an adjournment, and the Committee received no information to suggest that deferring today's hearing would secure Mr Hamilton's attendance on a future date. It was satisfied that his absence is voluntary.

16. The Committee took into account that it had a statutory duty to review the substantive suspension order currently on Mr Hamilton's registration, which is due to expire in April 2026. The Committee considered that without good reason for an adjournment, today's hearing should go ahead as scheduled. In all the circumstances, the Committee was satisfied that it was fair and in the public interest to proceed with the hearing on the papers in the absence of both parties.

Case background

Initial hearing – 17-20 March 2025

17. Mr Hamilton's case was first considered by the PCC at a hearing held in March 2025. He was not present at that hearing nor was he legally represented. The initial PCC considered and found proved allegations relating to poor quality of clinical practice for multiple patients, issues relating to patient safety, record-keeping issues, issues surrounding radiographic practice, and incidents of repeated errors and misdiagnoses. At this hearing, the Committee was provided with three witness statements and a GDC expert report, and heard oral evidence from two witnesses and the GDC expert witness.

18. In considering whether the facts found proved against Mr Hamilton amounted to misconduct, the PCC in March 2025 stated the following in its determination:

“The Committee has found that Mr Hamilton failed on six occasions over a number of patients to adequately diagnose and/or remove patients' caries. He also failed on three occasions to use rubber dams during root canal treatment. On one of those occasions failed to assess the working length, make the necessary alterations to that and proceeded to inadequately complete the root filling. Mr Hamilton also failed to analyse radiographs and maintain an adequate standard of record keeping.”

Mr Hamilton's actions were compounded in that some of his failings resulted in patients suffering from pain. The subsequent treating dentist was required to remove and treat caries for various patient, and complete root canal treatment where caries was very advanced. One patient required implants, where their teeth were damaged beyond repair.

The Committee considers that Mr Hamilton has breached the following GDC's Standards:

4.1.1. You must make and keep complete and accurate patient records, including an up-to-date medical history, each time that you treat patients.

7.1 You must provide good quality care based on current evidence and authoritative guidance.

7.1.1 You must find out about current evidence and best practice which affect your work, premises, equipment and business and follow them.

7.2 You must work within your knowledge, skills, professional competence and abilities.

The Committee also noted that the Registrant's conduct also fell below the basic care standards quoted in the Faculty of General Dental Practice (FGDP) UK guidelines, more particularly in consultation and diagnosis, restorations and endodontics.

The Committee noted the GDC expert report which stated that the clinical and record keeping failures fell far below the standards expected of a reasonably competent dentist. His failings relate to basic fundamental tenets of dentistry, including repeated failures to diagnose and treat patients' caries. Some of which resulted in patient harm. In the Committee's view, there appears to be a pattern of conduct by Mr Hamilton over a protracted period of time, relating to a number of patients. The Committee is satisfied that the identified clinical failings presented real safety issues for patients. The Committee considered that Mr Hamilton's acts and omissions as particularised in the heads of charge, constituted a disregard for the Standards set out above. His failures to adhere to regulations, standards and guidance in respect of diagnosis and treatment of caries and use of rubber dams, were a pattern of practice which the Committee found had put patients' safety at risk.

The Committee considers that patients had placed their trust in Mr Hamilton's competence and integrity as a dental professional. He was at the time in a position of trust as the Senior Dental Officer in a remote location where patients had little choice with regard to their dental provision. The Committee considered Mr Hamilton's actions and omissions in this situation could seriously undermine public trust and confidence in the dental profession. The Committee is satisfied Mr Hamilton's cumulative clinical failings over a period of time fell far below the conduct expected of a registered dental professional and would bring the profession into disrepute.

Taking all these factors into account, the Committee is satisfied that the findings cumulatively are serious and amount to misconduct."

19. The initial PCC went on to determine that Mr Hamilton's fitness to practise was impaired by reason of his misconduct on both public protection and wider public interest grounds. It stated in its decision on impairment that:

"The Committee considered that Mr Hamilton's misconduct was serious and was not an isolated incident. His misconduct was repeated over several months. The Committee note that some of his clinical failings resulted in actual patient harm. In the Committee's view, Mr Hamilton has acted so as to put patients at unwarranted risk of harm and could bring the dental profession into disrepute.

The Committee next considered whether the misconduct found proved is remediable. It considers that his clinical failings are capable of being remedied.

The Committee went on to consider whether Mr Hamilton has in fact remedied his failings. It has been provided with no evidence to suggest that he has developed any meaningful insight into his misconduct, or that he has taken steps to remedy his failings. The Committee has not drawn any inference from Mr Hamilton's absence at this hearing. At the same time, Mr Hamilton's lack of participation means that the Committee has not been provided with any meaningful evidence from him as to his acceptance of the heads of charge, any reflection or any remediation of the serious misconduct that has been found. For instance, the Committee has not been provided with any reflection or expression of remorse, or any information setting out any learning that he has undertaken, or intends to undertake, in order to address and overcome the misconduct that the Committee has found. The Committee noted there has been no contact from Mr Hamilton for over two years.

It noted that Mr Hamilton has not provided any evidence of his understanding of the importance for Registrants to follow the GDC's standards. The Committee's findings suggest a pattern of behaviour, the lessons of which Mr Hamilton has not begun to acknowledge and address.

The Committee considers that the public is at unwarranted risk of significant harm on account of Mr Hamilton's unremediated misconduct. Although the Committee notes that Mr Hamilton has no fitness to practise history, in assessing the risk of him repeating his misconduct, it is satisfied that the conduct is highly likely to reoccur. Such a repetition would in the Committee's judgement place patients at risk of harm. It therefore concluded that a finding of current impairment by reason of Mr Hamilton's misconduct is necessary in the interest of public protection.

The Committee further considered that public confidence in the profession and in the GDC as its regulator would be severely undermined if a finding of current impairment in relation to misconduct was not made given the serious nature of the clinical findings in this case. Accordingly, it determined that a finding of impairment by reason of Mr Hamilton's misconduct is in the wider public interest."

20. The initial PCC imposed a suspension order on Mr Hamilton's registration for a period of 12 months, with an immediate order. It also directed that a review of the order should be conducted shortly before the expiry of the 12-month period.

Today's review

21. This is the first review of the substantive order of suspension first imposed on Mr Hamilton's registration in March 2025. In comprehensively reviewing the order today, the Committee considered all the evidence provided. The Committee accepted the advice of the Legal Adviser.

22. The documentation before the Committee was as follows:

- The indexed PCC review hearing bundle (42 pages).
- The written submissions of the GDC (12 pages).

Decision on current impairment

23. The Committee considered whether Mr Hamilton's fitness to practise remains impaired by reason of his misconduct. 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.

24. The Committee determined that Mr Hamilton remains impaired on public protection grounds. It noted that there had been no material change since the previous substantive hearing, and that Mr Hamilton had provided no evidence of remediation or insight into his conduct, and therefore the risk to public safety had not changed. The Committee also considered that there was no evidence before it that any of the previously identified aggravating factors had changed. It therefore determined that a finding of impairment remained necessary on the ground of public protection.

25. The Committee also determined that a finding of impairment remains required in the wider public interest. It considered that public confidence in the dental profession would be undermined if such a finding were not made, given that there are ongoing concerns in this case because of the absence of Mr Hamilton's remediation to date and lack of engagement. The Committee also considered that a finding of impairment would serve to uphold proper professional standards.

26. Accordingly, the Committee determined that Mr Hamilton's fitness to practise remains impaired by reason of his misconduct.

Decision on sanction

27. The Committee next considered what action to take in respect of Mr Hamilton's registration. It had regard to section 27C(2) of the Act, which sets out the options available to it at this review. The Committee also took into account the '*Guidance for the Practice Committees (in effect from 6 January 2026)*'. 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 Mr Hamilton's own interests.

28. The Committee considered that there was no change of circumstances since the previous hearing, and therefore no basis for taking no further action.

29. The Committee next considered whether the order of suspension could be revoked and an order of conditions imposed. The Committee considered that while conditions could appropriately

address the clinical concerns in this case, Mr Hamilton's lack of engagement and willingness to provide insight and remediation into his conduct, would make an order of conditions unworkable. It concluded that an order of conditions was not appropriate.

30. The Committee therefore determined that an order of suspension remained appropriate and proportionate. The Committee was satisfied that given the lack of material change since the previous hearing, including a lack of engagement, insight, and remediation, that an order of suspension remained the proportionate direction. It was satisfied that this would both protect the public and maintain public confidence in the profession.

31. The Committee considered the terms of the order and determined that the suspension should be extended for a further 12 months. It concluded that this period would be necessary to achieve the necessary insight and remediation.

28. A resumed hearing will be held shortly before the end of the 12-month period. Mr Hamilton will be informed of the date and time of that resumed hearing. The reviewing Committee will consider what action it should take in relation to Mr Hamilton's registration.

29. The reviewing Committee may be assisted to receive:

- *Detailed reflective statement demonstrating Mr Hamilton's insight into and understanding of his clinical failings and its impact on patients, the dental profession and public confidence;*
- *Participation in the review hearing.*

30. Unless Mr Hamilton exercises his right of appeal, the current order of suspension on his registration will be extended by a period of 12 months, beginning with the date that it would otherwise expire.

32. Mr Hamilton will have 28 days from the date that notice is deemed to have been served upon him to appeal this decision. In the event that he does exercise his right of appeal, the suspension order currently in place on his registration will remain in force until the resolution of the appeal.

33. That concludes this determination.