

ON PAPERS**Interim Order Committee
Review Hearing****30 November 2023****Name:** MATHARU, Pritpal Singh**Registration number:** 113451**Case number:** CAS-194094

General Dental Council: Rochelle Williams, IHLPS**Registrant:** Unrepresented

Outcome: Interim suspension confirmed**Duration:** For the remainder of the current order

Committee members: Andy Waite (Chair, lay member)
Alison Mayell (Dentist member)
Chris Parker (Dental Care Professional member)**Legal adviser:** Julia Oakford**Committee Secretary:** Sara Page

1. At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.
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2. The role of the Interim Orders Committee (IOC) is to undertake a risk assessment based on the information before it. Its role is to assess the nature and substance of any risk to the public in all the circumstances of the case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the registrant's own interests to impose an interim order on their registration. It is not the role of the IOC to make findings of fact in relation to any charge. That is the role of a differently constituted committee at a later stage in the process.
 3. Neither party was present at today's hearing, following a request for the review of the interim order to be conducted on the papers. The hearing was conducted remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.
 4. 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 Mr Matharu and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

Decision and reasons for the hearing to be held in private

5. At the beginning of the hearing, the Committee determined that due to the nature of the concerns, pursuant to Rule 53 of the *'General Dental Council (Fitness to Practise) Rules Order of Council 2006'* ('the Rules'), this hearing would be held in private.
6. The Committee acknowledged that this case has previously been heard in private in order to avoid prejudice to third party investigations and to protect the private and family life of Mr Matharu.
7. The Committee bore in mind that, as a starting point, hearings should be conducted in public session. However, due to the nature of the matters in this case, and having regard to the information before it, the Committee was satisfied that the personal interests of Mr Matharu and the third party conducting its own investigation into the matters before it outweighed the public interest in this case.

Decision on service of Notice of Hearing

8. The Committee was informed at the start of this hearing that Mr Matharu was neither present nor represented at today's hearing.
9. In his absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Mr Matharu in accordance with Rules 35 and 65 of the *'General Dental Council (Fitness to Practise) Rules Order of Council 2006'* ('the Rules').

10. The Committee had regard to the indexed hearing bundle of 24 pages, which contained a copy of the Notice, dated 13 November 2023. The Notice was sent to Mr Matharu's registered address by Special Delivery on 13 November 2023, in accordance with Section 50A of the *'Dentists Act 1984' (as amended)* ('the Act') and via email on the same date.
11. 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 GDC intends to conduct the review on the papers.
12. 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 Mr Matharu's registered address on 15 November 2023. It was signed for against the printed name of 'PRITPAL'.
13. In light of the information available, the Committee was satisfied that Mr Matharu 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 Mr Matharu and on the papers

14. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Mr Matharu and any representative for either party. The Committee was mindful that its decision to proceed in the absence of Mr Matharu 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.
15. The Committee bore in mind that today's hearing has been arranged as there is a statutory requirement for an interim order to be reviewed within three months of any High Court extension.
16. The Committee noted Mr Matharu's email, dated 15 November 2023, in which he stated, *"Yes proceed on the papers..."*
17. The Committee noted that no application for an adjournment had been made by Mr Matharu and there was information before the Committee that Mr Matharu is aware of today's review and in content for it to proceed in his absence. On the basis of the information before it, the Committee concluded that Mr Matharu had voluntarily absented himself from today's hearing.
18. 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 Mr Matharu and any representatives for either party.

Background

19. Mr Matharu's case was first considered by the IOC on 26 March 2020, when it determined that it was necessary for the protection of the public and was otherwise in the public interest to impose an interim suspension order for a period of 18 months.

20. [PRIVATE].
21. Mr Matharu's case was reviewed on the following occasions:
- 2 September 2020 (Interim suspension order continued);
 - 19 February 2021 (Interim suspension order continued);
 - 5 August 2021 (Interim suspension order continued);
 - 3 September 2021 (High Court extension granted for 12 months);
 - 10 November 2021 (Interim suspension order continued);
 - 26 April 2022 (Interim suspension order continued);
 - 30 August 2022 (High Court extension granted for 12 months);
 - 9 November 2022 (Interim suspension order continued);
 - 14 April 2023 (Interim suspension order continued); and
 - 13 September 2023 (High Court extension granted for 12 months).
22. This is the eighth review of this order. The order is due to expire on 30 September 2024.

Submissions

23. In its written submissions, the GDC invited the Committee to continue the current interim order of suspension. It stated there has been no material change in circumstances that would necessitate an amendment to the current order. [PRIVATE].
24. The GDC submitted that an interim order remains necessary for the protection of the public and in the public interest for the interim order of suspension to continue whilst the matter is being investigated by the GDC. The allegations in this case are serious [PRIVATE]. There is therefore a clear risk to the public [PRIVATE].
25. [PRIVATE].
26. Accordingly, the GDC invite the Committee to find that an interim order of suspension remains necessary for the protection of the public and otherwise in the public interest.
27. Mr Matharu has not provided any written submissions for the Committee to consider at today's review.

Decision on review

28. In reviewing this order, the Committee considered all the documentation contained within the hearings bundle, as well as the written submissions made. The Committee had regard to the GDC's '*Interim orders guidance for decision making - Interim Orders Committee (October 2016)*' and accepted the advice of the Legal Adviser. The Committee bore in mind its overarching objectives to protect, promote and maintain the health, safety and well-being of the public; to promote and maintain public confidence in the dental and dental care professions; and to promote and maintain proper professional standards and conduct for members of the dental and dental care professions.
29. The Committee first considered whether an interim order remained necessary on the ground of public protection.

30. The Committee considered that the concerns against Mr Matharu are potentially serious, [PRIVATE]. It took into account that there has been no material change in circumstances since the last review. On the basis of the information before it, the Committee has concluded that there remains a risk of harm to the public should Mr Matharu be able to practise without restriction.
31. The Committee also considered that an interim order is still required on the ground of public interest in order to maintain confidence in the profession and the GDC as its regulator. It was satisfied that an informed member of the public would be shocked and surprised to find that Mr Matharu's practice had not been restricted whilst the matter was properly investigated by [PRIVATE] the GDC.
32. Having determined an interim order is necessary in the circumstances, the Committee must impose the minimum restriction on Mr Matharu's registration necessary to protect the public and the wider public interest.
33. In considering the type of order required, the Committee has applied the principle of proportionality, balancing the public interest with Mr Matharu's own interests.
34. The Committee decided that [PRIVATE] there are no conditions that would adequately address the risk identified to the public, nor would conditions meet the public interest concerns in this case.
35. As a result, the Committee was satisfied that the current interim suspension order remained the appropriate and proportionate order for the same reasons as those stated by the IOC at the review hearing, dated 14 April 2023.
36. The Committee noted that the continuation of this interim suspension order prevents Mr Matharu from practising as a dentist pending the GDC's investigation into the allegations. However, given the serious nature of the allegations against Mr Matharu, the Committee is satisfied that the need to protect the public and the wider public interest outweigh his own interests.
37. The interim suspension order will continue for the remainder of the current order.

Review of the order

38. Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative hearing within the next six months. The Committee will be invited by the GDC to confirm the order and Mr Matharu will be asked whether there are any written submissions to be put before the Committee on his behalf. Mr Matharu will then be notified of the outcome in writing following the decision of the Committee.
39. Alternatively, Mr Matharu is entitled to have the interim order reviewed at an oral hearing. This means that he will be able to attend and make representations, send a representative on his behalf or submit written representations about whether the order continues to be necessary. Mr Matharu must inform the GDC if he would like the interim order to be reviewed at a hearing.

40. Even if Mr Matharu does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked, varied or replaced, the Committee will review the order at a hearing to which he and any representative will be invited to attend.
41. Notification of this decision will be served upon Mr Matharu in accordance with the Act.
42. That concludes this determination.