

PUBLIC HEARING

Professional Conduct Committee Review Hearing

23 August 2024 and 6 September 2024

Name: ABDOLLAHI, Abbas

Registration number: 74512

Case number: CAS-196630-Z6B5M2

General Dental Council: Laura Herbert, Counsel (23 August 2024).
Georgina Mayles, IHLPS (6 September 2024)
Instructed by Rosie Geddes, IHLPS

Registrant: Present
Represented by Miss Jennifer Agyekum, Counsel.
Instructed by Stephenson Solicitors LLP

Fitness to practise: Impaired by reason of misconduct

Outcome: Suspension revoked and conditions imposed (with a review)

Duration: 18 months

Immediate order: Immediate conditions of practice order

Committee members: Val Evans (Lay) (Chair)
Amit Gadhavi (Dentist)
Joshua Kelly (Dental Care Professional)

Legal adviser: Trevor Jones

Committee Secretary: Andrew Keeling

Mr Abdollahi,

1. This was a review hearing before the Professional Conduct Committee (PCC) in accordance with Section 27C of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing was for this PCC to review your case and determine what action to take in relation to your registration. The hearing was held remotely on Microsoft Teams. The hearing initially took place on 23 August 2024, but was adjourned part-heard as there was insufficient time to conclude all matters. The hearing resumed on 6 September 2024.
2. You were present at the hearing and represented by Miss Jennifer Agyekum, Counsel. Miss Laura Herbert, Counsel, appeared on behalf of the General Dental Council (GDC) on 23 August 2024. Ms Georgina Mayles of the GDC's In-house Legal Presentation Services Team appeared on behalf of the GDC on 6 September 2024.

Background

3. Your case was first considered by a PCC at a hearing in October and December 2023. That Committee found proved, following a number of admissions by you, that between 24 February 2020 and 8 March 2021, in your capacity as a principal dentist following a Care Quality Commission ("CQC") inspection on 24 February 2020 at your practice, service of a Warning Notice from the CQC dated 3 March 2020, and a Requirement Notice dated 9 April 2020, you failed to adhere to laws, regulations, standards and guidance in respect of medical emergencies, infection control, radiology and good governance. That Committee further found proved, and which you admitted, that your actions put patient safety and/or staff safety at risk.
4. That Committee determined that the facts found proved amounted to misconduct. In respect of impairment, that Committee determined that you had not demonstrated sufficient insight into and remediation of your misconduct. In conclusion, that Committee determined that:

"In short, the Committee's findings suggest a pattern of behaviour, the lessons of which you do not yet appear to have learnt in full. The Committee has heard that you have experienced difficulties in remediating your failings during the Covid pandemic, but the Committee does not consider that this accounts for the shortcomings in your insight and remediation that it has identified. You continue to pose a risk to the public as a result of failings which have not been addressed to the extent required through reflection and remediation. Accordingly, the Committee finds that your fitness to practise is currently impaired.

The Committee also finds that a finding of impairment is required in order to declare and uphold proper standards of conduct and behaviour and to maintain trust and confidence in the profession and in the regulatory process. In the Committee's judgment public trust and confidence in the profession, and in the regulator, would

be seriously undermined if a finding of impairment were not made in the particular circumstances of this case.”

5. In respect of sanction, that Committee determined that:

“The Committee then went on to consider whether to suspend your registration. After careful consideration, the Committee determined that a period of suspended registration is the appropriate and proportionate outcome in the particular circumstances of this case. The Committee has identified repetition of your misconduct, both in terms of your acts and omissions across multiple areas of clinical practice and in terms of the warning given to you. Your insight and remediation are both incomplete and you are at significant risk of repeating your misconduct. You have completed relevant courses but have failed to embed your knowledge into your practice. You have had ample opportunity to remediate your failings and have failed to do so.”

6. Accordingly, your registration was suspended for a period of nine months with a review hearing before its expiry. That Committee considered nine months was required to mark the seriousness of its findings. It also considered that a future reviewing Committee would be assisted by a detailed reflective statement written by you regarding this Committee’s findings and also evidence of your learning being embedded in your practice.

The Review

7. It was the role of the Committee today to undertake a comprehensive review of your case. In so doing, the Committee had careful regard to all the documentary evidence before it, which included a reflective statement from you, dated 22 August 2024, and copies of Continuing Professional Development (CPD) certificates. The Committee took account of the submissions from Miss Herbert, on behalf of the GDC, and Miss Agyekum, on your behalf. The Committee also heard and accepted the advice of the Legal Adviser. The Committee had regard to the GDC’s *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020) (“the Guidance”).
8. Miss Herbert, on behalf of the GDC, submitted that after reviewing your reflective statement, your fitness to practise remains currently impaired as although your insight and remediation have developed, they have not been fully embedded into your practice. Miss Herbert submitted that the CPD you had undertaken appeared somewhat superficial and your reflections on the courses were quite limited. She submitted that there were no specific examples given about how you would do things differently in the future. Furthermore, she submitted that the GDC was concerned about the short timeframe during which your remediation had been undertaken. She submitted that your reflective statement was completed the day before the review hearing began and the CPD courses were mainly undertaken on two days in July 2024.

9. Miss Herbert invited the Committee to impose conditions on your registration. She submitted that the GDC were in the process of drafting proposed conditions which would be targeted to addressing the failings identified by the CQC and which could be disclosed to you and the Committee if appropriate.
10. Miss Agyekum, on your behalf, submitted that during the substantive hearing you had already gone part of the way in remediating the concerns raised by the CQC. Since then, you have fully engaged with your regulator and undertaken the work needed to remedy your misconduct. She invited the Committee to review your reflective statement, in which you described what had previously gone wrong and how you will ensure it will never happen again. In light of your reflective statement, she submitted that the Committee should be reassured that the risk of repetition of your misconduct was low as the failings have been remediated.
11. In respect of your CPD certificates, Miss Agyekum submitted that you have undertaken specific and targeted training tailored to the areas of concerns identified by the substantive Committee. In addition to your reflection statement, she submitted that this showed that you were no longer a risk to the public. With regard to the public interest, she submitted that this had been served by the closure of your practice at the time and your nine months' suspension. In light of this, she submitted that a member of the public would be satisfied that your misconduct had been sufficiently marked. Therefore, she invited the Committee to find that your fitness to practise was no longer currently impaired. In response to the GDC's submissions to impose a conditions of practice order, she submitted that there were no public protection or public interest reasons which meant that conditions were necessary in this case.

Decision on Current Impairment

12. In making its decision, the Committee first sought to determine whether your fitness to practise is currently impaired by reason of your misconduct. It exercised its independent judgement and was not bound by the decision of the previous committee. It balanced your interests with those of the public and bore in mind that its primary duty was to protect the public, including maintaining public confidence in the profession and declaring and upholding proper standards and behaviour.
13. The Committee bore in mind that there was a persuasive burden on you to demonstrate that you had fully remediated the concerns regarding your fitness to practise. The Committee carefully considered the remediation evidence you had provided for this hearing. In respect of your written reflective statement, the Committee noted that you acknowledged your failings and the reasons for them. You also stated that your attitude towards the CQC had changed and that you, "*recognise now that the inspectors were simply doing their jobs and raising genuine issues that they had found, and that I should have been receptive to this*". The Committee considered the

statement to be detailed and noted that you had addressed the reasons for your misconduct and identified how you would act differently in future to prevent a repetition.

14. The Committee then went on to consider your CPD certificates. The Committee noted that the vast majority of the CPD courses were undertaken on two days in July 2024, and this included 22 hours being undertaken on 29 July 2024. The Committee further noted that in respect of the radiology course, you had undertaken courses 1 to 5 of '*Radiography for Dental Nurses and DCPs*', which is not the most relevant course for dentists to undertake and no explanation was otherwise provided as to why you chose this course. The Committee did note, however, that you also completed course 5 of '*Radiology for Dentists (operator) and Dental Radiographers*'. Furthermore, the Committee considered that your written reflections on these courses were formulaic and quite limited. The Committee also noted that it has not seen any other remediation evidence, such as a copy of a Personal Professional Development Plan (PPDP), which it believed would have assisted it in determining whether the failings had been fully remediated.
15. In conclusion, the Committee determined that although your insight into your failings was developing, as shown in your written reflective statement, this was not yet sufficient nor was evidence of your remediation sufficiently demonstrated. The Committee was concerned that your CPD courses were compressed over two days in July 2024 as opposed to a progression of measured study and reflection. The Committee also noted that this was seven months after the substantive hearing and less than a month before the start of this review hearing. The Committee was also concerned at the choice of some of the courses, some of which were less relevant for you as a dentist, for example the courses referred to in paragraph 14. The Committee also noted that your reflective statement was dated the day before this review hearing began.
16. The Committee considered that your remediation evidence appeared to be more reactive rather than proactive and did not show that you had taken matters as seriously as you ought to have done in light of the serious failings found proved at the substantive hearing. The Committee concluded therefore, that although your insight was developing and you had taken some steps of remediation, this was not yet sufficient and that there remained a risk of repetition of your conduct and that you continue to pose a risk to patients.
17. Accordingly, the Committee determined that your fitness to practise remained currently impaired by reason of misconduct on the grounds of public protection.
18. Furthermore, the Committee determined that a finding of current impairment was required in the public interest. The Committee was of the view that owing to the seriousness of your misconduct and as your remediation and insight is not yet sufficient, public confidence in the profession would be undermined if such a finding were not made.

Decision on Sanction

19. The Committee next considered what sanction to impose on your registration.
20. The Committee has found that your fitness to practise remains impaired. In these circumstances, the Committee concluded that terminating the current suspension order would not be appropriate or sufficient for the protection of the public.
21. The Committee then considered whether to revoke the suspension order and replace it with a direction for conditional registration. It noted that your insight was still developing and a return to practice with appropriate conditions in place would allow you the opportunity to embed your learning into your clinical practice. Furthermore, the Committee considered that to impose a further period of suspension would be disproportionate and unnecessarily punitive in light of the fact that you have developed further insight and made some attempts at undertaking remediation.
22. The Committee therefore considered that workable conditions could be formulated which would be sufficient to protect the public, satisfy the public interest considerations, and allow you to develop your insight and remediation in a suitable clinical setting. The Committee considered the conditions that have been proposed by the GDC, which included close supervision of your practice. However, the Committee noted that the misconduct was not related to concerns about your clinical skills, rather it involved correctly following the relevant procedures, protocols and guidance relating to your practice at the time. It considered, therefore, that you would not require supervision but that it would be sufficient for a workplace reporter to provide reports to the GDC in respect of the failings found proved at the substantive hearing. Furthermore, the Committee considered that you should develop and update a Personal Professional Development Plan to assist you in embedding your learning into your clinical practice. With these conditions included, the Committee considered that the conditions it has devised below to be appropriate and proportionate to address the concerns in this case.
23. The Committee therefore determined to terminate the suspension and impose conditions on your registration for a period of 18 months pursuant to section 27C (5) of the Dentists Act 1984, as amended, with a review hearing before the expiry of the order. It considered that an 18-month duration is proportionate and would give you an opportunity to demonstrate at the next review hearing that the concerns have been fully remediated and embedded in your practice such that the likelihood of repetition of your misconduct would be low.
24. The conditions as they will appear against your name in the Dentists Register are as follows:
1. *He must work with a Postgraduate Dental Dean/Director (or a nominated deputy), to formulate a Personal Professional Development Plan, specifically*



designed to address the deficiencies in his adherence to the laws, regulations, standards and guidance in respect of:

- *medical emergencies,*
 - *infection control,*
 - *radiology, and*
 - *good governance.*
2. *He must forward a copy of this Personal Professional Development Plan to the GDC within three months of the date on which these conditions become effective.*
 3. *He must meet with the Postgraduate Dental Dean/Director (or a nominated deputy), on a regular basis to discuss his progress towards achieving the aims set out in his Personal Professional Development Plan. The frequency of his meetings is to be set by the Postgraduate Dental Dean/Director (or a nominated deputy).*
 4. *He must allow the GDC to exchange information about the standard of his professional performance and his progress towards achieving the aims set out in his Personal Professional Development Plan with the Postgraduate Dental Dean/Director (or a nominated deputy), and any other person involved in his retraining and supervision.*
 5. *He must notify the GDC promptly of any professional appointment he accepts and provide the contact details of his employer or any organisation for which he is contracted to provide dental services and the Commissioning Body on whose Dental Performers List he is included.*
 6. *He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services, and any Postgraduate Dental Dean/Director (or a nominated deputy) or reporter, referred to in these conditions.*
 7. *At any time he is providing dental services, which require him to be registered with the GDC, he must agree to the appointment of a reporter nominated by him and approved by the GDC. The reporter shall be a GDC registrant.*
 8. *He must allow the reporter to provide reports to the GDC at intervals of not more than four months and the GDC will make these reports available to any Postgraduate Dental Dean/Director (or a nominated deputy) referred to in these conditions.*
 9. *He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.*
 10. *He must inform the GDC if he applies for dental employment outside the UK.*

11. *He must not be responsible for the administration/management of any dental practice.*
12. *He must engage in dental practice only at a practice he does not own or control.*
13. *He must not work as a locum or undertake any out-of-hours work or on-call duties without the prior agreement of the GDC.*
14. *He must inform within one week the following parties that his registration is subject to the conditions, listed at (1) to (13), above:*
 - *Any organisation or person employing or contracting with him to undertake dental work;*
 - *Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application);*
 - *Any prospective employer (at the time of application);*
 - *The Commissioning Body on whose Dental Performers List he is included or seeking inclusion.*
15. *He must permit the GDC to disclose the above conditions, (1) to (14), to any person requesting information about his registration status.*

25. The Committee now invites submissions on the question of an immediate order.

Decision on Immediate Order (6 September 2024)

26. The Committee has considered whether to make an immediate order on your registration in accordance with Section 30 of the Dentists Act 1984 (as amended).
27. Ms Mayles, on behalf of the GDC, submitted that such an order is necessary for the protection of the public and is otherwise in the public interest. She submitted that it would not be appropriate for you to practise without restriction before the substantive order of conditional registration takes effect.
28. Miss Agyekum, on your behalf, submitted that she did not oppose the imposition of an immediate order.
29. The Committee has considered the submissions made. It has accepted the advice of the Legal Adviser and the reference made to the Guidance on immediate orders.
30. The Committee is satisfied that an immediate order of conditions is necessary for the protection of the public and is otherwise in the public interest. The Committee concluded that given the nature of its findings and its reasons for the substantive order of conditions in your case, it is necessary to direct that an immediate order of

conditions be imposed on both of these grounds. The Committee considered that, given its findings, if an immediate order was not made in the circumstances, there would be a risk to public safety and public confidence in the profession would be undermined.

31. The effect of the foregoing determination and this order is that your registration will be subject to the aforementioned conditions immediately from the date on which notice is deemed to have been served upon you. Unless you exercise your right of appeal, the substantive direction for conditional registration as already announced, will take effect 28 days from the date of deemed service, and continue for a period of 18 months. In the event that you exercise your right of appeal, this immediate order will remain in place until resolution of the appeal.

32. That concludes this hearing.