

ON PAPERS**Professional Conduct Committee
Review Hearing****18 March 2024****Name:** STAVRINIDOU, Ioulia**Registration number:** 102037**Case number:** CAS-191376-X0M4L5

General Dental Council: Instructed by Holly Watt, IHLPS**Registrant:** Unrepresented

Fitness to practise: Impaired by reason of misconduct**Outcome:** Suspended indefinitely

Committee members: Andrea Hammond (Chair, Dental Care Professional member)
Alison Mayell (Dentist member)
Kamaljit Sandhu (Lay member)**Legal adviser:** Edward Hosking**Committee Secretary:** Andrew Keeling

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1. This was a review hearing before the Professional Conduct Committee (PCC) in accordance with Section 27C(1) of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing has been for this PCC to review Ms Stavrinidou's case and determine what action to take in relation to her registration.
 2. Neither Ms Stavrinidou nor any representative acting on her behalf attended the hearing. In its written submissions, the General Dental Council (GDC) stated that it would be appropriate for the hearing to proceed in the absence of the parties and on the papers.

3. The Committee therefore first considered the issues of service and whether to proceed with the hearing on the papers in the absence of Ms Stavrinidou and any representatives for either party. The Committee accepted the advice of the Legal Adviser on both of these matters.

Decision on Service of the Notice of Hearing

4. The Committee considered whether notice of the hearing had been served on Ms Stavrinidou in accordance with Rules 28 and 65 of the GDC's Fitness to Practise Rules 2006 ('the Rules') and Section 50A of the Dentists Act 1984 (as amended) ('the Act'). The Committee received from the GDC a hearing bundle, which contained a copy of the Notice of Hearing ('the notice'), dated 7 February 2024, thereby complying with the 28-day notice period. The hearing bundle also contained a Royal Mail 'Track and Trace' receipt confirming that the notice was sent to Ms Stavrinidou's registered address by Special Delivery. A copy of the notice was also sent by first-class post and emailed to Ms Stavrinidou on 7 February 2024.
5. The Committee was satisfied that the notice sent to Ms Stavrinidou contained proper notification of today's hearing, including its time, date and that it will be taking place remotely, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in Ms Stavrinidou's absence. The Committee also noted that Ms Stavrinidou had been notified that today's proceedings could result in an indefinite suspension of her registration.
6. On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Stavrinidou in accordance with the Rules and the Act.

Decision on Proceeding in the Registrant's Absence and on the Papers

7. The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Ms Stavrinidou. The Committee approached the issue of proceeding in absence 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 explained in the cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis [2016] EWCA Civ 162*. It remained mindful of the need to be fair to both Ms Stavrinidou and the GDC, taking into account the public interest and Ms Stavrinidou's own interests in the expeditious review of the suspension order imposed.
8. The Committee first concluded that all reasonable efforts had been taken to send the notification of hearing to Ms Stavrinidou in accordance with the Rules. The

Committee noted that Ms Stavrinidou had previously emailed the GDC on 7 March 2022 stating that she no longer wanted to correspond with the GDC and there has been no communication from Ms Stavrinidou since then. There has been no request for an adjournment from Ms Stavrinidou and, in light of her stated intention not to engage with these proceedings, the Committee considered that adjourning the hearing would be unlikely to secure her attendance. The Committee also bore in mind that there is a statutory requirement for the suspension order to be reviewed before its expiry in April 2024. Therefore, the Committee determined that it was fair and appropriate to proceed with the hearing in the absence of Ms Stavrinidou and to conduct the hearing on the papers.

Background

9. Ms Stavrinidou's case was first considered by a PCC at a hearing in March 2022. Ms Stavrinidou did not attend the hearing and was not represented. That Committee found the following:

"The facts found proved against Ms Stavrinidou relate to two separate periods of time whilst she was working as a dentist; firstly at a practice in [Redacted] ('Redacted') from July 2016 to March 2018, and secondly at a practice in [Redacted] ('Redacted') from January to April 2019.

In relation to her time at the [Redacted], the Committee found proved that there were failings in Ms Stavrinidou's clinical care of 20 patients. In particular, the Committee found that she:

- *Failed to maintain an adequate standard of radiographic practice between 13 September 2016 and 13 February 2018 in that she:*
 - *failed to take appropriate radiographs on various dates in relation to a number of the patients;*
 - *took inappropriate radiographs on various dates in relation to a number of the patients; and*
 - *failed to adequately report on radiographs on various dates in relation to a number of the patients.*
- *Failed to provide an adequate standard of care between 13 September 2016 and 23 February 2018 in that she:*
 - *failed to adequately diagnose caries or provide adequate treatment on various dates in relation to a number of the patients;*
 - *provided a poor standard of root canal treatment to the LR5 in relation to one patient on 18 May 2017;*
 - *inappropriately prescribed antibiotics to a patient on a date in November 2017; and*

- *failed to record BPE scores on various dates in relation to a number of the patients.*
- *Failed to provide adequate periodontal treatment between 11 December 2017 and 2 March 2018 on various dates in relation to a number of the patients.*

In relation to Ms Stavrinidou's time at the [Redacted], the Committee found proved that, between 14 January 2019 and 5 April 2019 she provided NHS treatment without adequate insurance. The evidence was that Ms Stavrinidou treated approximately 550 NHS patients during the three-month period that she worked at that practice. The Committee was satisfied on the evidence that the indemnity insurance policy that Ms Stavrinidou had at the time, did not cover her for the provision of treatment to NHS patients. The GDC did not allege that Ms Stavrinidou had done this knowingly. Ms Stavrinidou cancelled the insurance policy in July 2019, and the Committee found that following her cancellation of the policy, she failed to obtain appropriate indemnity to ensure previous patients could claim any compensation to which they may have been entitled."

10. That Committee was satisfied that the clinical and insurance matters, both individually and collectively, amounted to misconduct. With regard to the clinical matters, that Committee determined that *"the failings were in fundamental and basic aspects of dentistry, including failures in radiography, diagnosing caries, and providing adequate periodontal treatment, which included a repeated failure to record patient's BPE scores"*. It also accepted the evidence of Mr Igoe, the GDC's expert witness, that many of Ms Stavrinidou's clinical failings fell far below the standards expected of a competent dental practitioner. Overall, the Committee was satisfied that the clinical matters found proved against Ms Stavrinidou represented a serious breach of the GDC Standards and therefore amounted to misconduct. With regard to Ms Stavrinidou's lack of indemnity insurance, that Committee determined that it demonstrated a serious falling short of what was expected in the circumstances, and amounted to misconduct.
11. That Committee then determined that Ms Stavrinidou's fitness to practise was currently impaired on the grounds of public protection and the wider public interest. It considered that both the clinical and indemnity matters were capable of being remedied, but there was no evidence provided by Ms Stavrinidou in this regard. That Committee noted the following:

"The Committee found that there was no evidence of an apology, remorse or reflection directed to it at this hearing. It considered that there was a lack of information about Ms Stavrinidou's current level of knowledge and insight in relation to the matters found proved, on which it could conclude that any remediation she has undertaken has been satisfactorily embedded. For

these reasons, the Committee considered that there was a risk of repetition of Ms Stavrinidou's misconduct. Accordingly, the Committee decided that there would be a risk to the public in the absence of a finding of impairment.

The Committee also considered that a finding of impairment was in the wider public interest. It took into account the seriousness of her clinical failings, as well as her failure to have appropriate indemnity insurance which, in the Committee's view, was conduct that brought the dental profession into disrepute. The Committee considered that public confidence in the dental profession would be undermined if a finding of impairment were not made in all the circumstances. It also bore in mind the need to promote and maintain proper professional standards."

12. That Committee directed that Ms Stavrinidou's name should be suspended from the Register for a period of 12 months, with a review to take place before the expiry of the order. It indicated that the Committee reviewing the order may be assisted by:

- *evidence of Ms Stavrinidou's consistent and meaningful engagement with the GDC;*
- *a written reflective statement in relation to all the matters found proved, including Ms Stavrinidou's understanding of her actions in relation to her indemnity insurance and their consequences; and*
- *evidence of how Ms Stavrinidou intends to address all of the identified failings such as to give confidence that she is aware of what she needs to do to be able to return to clinical practice.*

13. Ms Stavrinidou's case was reviewed at a PCC hearing on 4 April 2023. Ms Stavrinidou did not attend this hearing and was not represented. That Committee noted that Ms Stavrinidou had not engaged with these proceedings since the conclusion of the substantive hearing. Therefore, the Committee had no evidence before it of any remediation undertaken, including the recommendations made at the substantive hearing, and therefore was unable to assess the level of Ms Stavrinidou's insight into her misconduct. Accordingly, it determined that Ms Stavrinidou's fitness to practise remained impaired on public protection and public interest grounds. That Committee also determined to extend Ms Stavrinidou's suspension for a further 12 months with a review hearing before the expiry of the period.

Today's Review

14. It was the role of the Committee today to undertake a comprehensive review of this case. In so doing, the Committee had careful regard to all the documentary evidence before it and took account of the written submissions from the GDC. No

written submissions or documentary evidence were received from, or on behalf of, Ms Stavrinidou. 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").

15. In its submissions, the GDC stated that there was no evidence to show that there had been any material change since the last hearing and Ms Stavrinidou has not provided any of the information recommended by the substantive PCC. Therefore, in the absence of any evidence of Ms Stavrinidou's insight and as she has continued not to engage with the GDC, the GDC submitted that her fitness to practise remained impaired by reason of misconduct on public protection and public interest grounds.
16. The GDC further submitted that given Ms Stavrinidou's lack of engagement with these proceedings, it would be appropriate and proportionate to impose an indefinite suspension on her registration in accordance with Section 27C(1)(d) of the Act. The GDC submitted that Ms Stavrinidou would be suspended for two years by the time the sanction would take effect on 5 April 2024. Furthermore, this review hearing would be taking place within two months of the expiry of the current order (4 April 2024). The GDC submitted that indefinite suspension may focus Ms Stavrinidou's mind on addressing the concerns raised at the substantive hearing and to take remedial steps to address the misconduct.

Decision on Current Impairment

17. In making its decision, the Committee first sought to determine whether Ms Stavrinidou's fitness to practise was currently impaired by reason of her misconduct. It exercised its independent judgement and was not bound by the decision of the previous committee. It balanced Ms Stavrinidou's interests with those of the public and bore in mind that its primary duty is to protect the public, including maintaining public confidence in the profession and declaring and upholding proper standards and behaviour. The Committee accepted the advice of the Legal Adviser.
18. The Committee noted that the facts found proved at the substantive hearing against Ms Stavrinidou were serious. They involved multiple clinical failings in respect of multiple patients, some of whom were harmed as a result of the treatment, and a failure to hold adequate indemnity insurance. Since the conclusion of the substantive hearing, the Committee noted that Ms Stavrinidou has not engaged with the GDC. There was no evidence before the Committee of any remediation undertaken or any remorse or insight shown by Ms Stavrinidou into her misconduct. The Committee also bore in mind that the onus was on Ms Stavrinidou to demonstrate that her fitness to practise was not currently impaired.

19. Therefore, in the absence of any remediation undertaken, including any of the evidence recommended by the substantive Committee, the Committee determined that there remained a risk of repetition of the failings found proved. Accordingly, the Committee determined that Ms Stavriniidou's fitness to practise remained impaired on the grounds of public protection.
20. The Committee also determined that, in the absence of any evidence of remediation and insight from Ms Stavriniidou, public confidence in the profession would be undermined if a finding of impairment was not made on public interest grounds.

Decision on Sanction

21. The Committee next considered what sanction to impose on Ms Stavriniidou's registration.
22. The Committee has found that Ms Stavriniidou's fitness to practise remained 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 and in the public interest.
23. The Committee next considered whether to replace the current suspension order with one of conditions. In so doing, it noted that Ms Stavriniidou has not engaged with these proceedings or provided any evidence to address the concerns identified. In these circumstances, the Committee determined that conditions were not appropriate, workable or sufficient for this case.
24. The Committee considered that it was necessary to maintain the current suspension in order to protect the public and safeguard public confidence in the dental profession. However, the Committee considered that it would not be in the public interest for the suspension to be subject to a review in 12 months' time as Ms Stavriniidou has not engaged with these proceedings since the substantive hearing and it seemed highly unlikely that she would do so in future. In particular, the Committee noted Ms Stavriniidou's email to the GDC dated 7 March 2022 in which she stated that she no longer wished to correspond with the GDC, and that there had been no correspondence from her since then. The Committee considered therefore that further reviews of Ms Stavriniidou's suspension would be unlikely to serve any purpose and cause unnecessary costs.
25. Accordingly, the Committee directed that Ms Stavriniidou's registration be indefinitely suspended. It was satisfied that the provisions of Section 27C(1)(d)(i) and (ii) of the Act were met. It noted that this direction meant that a review of the order could only take place if Ms Stavriniidou requested a review and a minimum of two years had elapsed since this direction took effect. Given that Ms Stavriniidou has been given ample opportunity to remediate and show insight into her

misconduct but has not done so, it was satisfied that this direction was appropriate and proportionate.

26. Ms Stavriniidou will have 28 days, from the date that notice is deemed to have been served upon her, to appeal this Committee's direction. Unless she exercises her right of appeal, her registration will be suspended indefinitely from the date on which the direction takes effect.

27. That concludes this resumed hearing.