

ON PAPERS**Interim Order Committee
Review Hearing****22 March 2024****Name:** BROOKS, LISA**Registration number:** 260910**Case number:** CAS-200375-Y9K0H3

General Dental Council: Catlin Buckerfield, IHLPS**Registrant:** Not present and unrepresented

Outcome: Interim suspension confirmed**Duration:** For the remainder of the High Court extension.

Committee members: Jill Crawford (Chair and lay member)
Janhvi Amin (Dentist member)
Nicola Rice (DCP member)**Legal adviser:** Michael Bell**Committee Secretary:** Jamie A Barge

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.

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.

1. 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.
2. 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 Mrs Brooks and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

Decision on service of Notice of Hearing

3. The Committee was informed at the start of this hearing that Mrs Brooks was neither present nor represented at today's hearing.
4. In her absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Mrs Brooks in accordance with Rules 35 and 65 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules').
5. The Committee had regard to the indexed hearing bundle of 170 pages, which contained a copy of the Notice, dated 5 March 2024. The notice was sent to Mrs Brooks' registered address by Special Delivery on 5 March 2024, in accordance with Section 50A of the Dentists Act 1984 (*as amended*) ('the Act') and via email on the same date.
6. 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 Committee has the power to proceed with the hearing in Mrs Brooks' absence.
7. In light of the information available, the Committee was satisfied that Mrs Brooks 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 Mrs Brooks and on the papers

8. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Mrs Brooks and any representative for either party. The Committee was mindful that its decision to proceed in the absence of Mrs Brooks 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.
9. The Committee noted that there has been an email dated 13 March 2024 sent by Mrs Brooks in relation to today's hearing where she states "...I am sorry but I believe this is not the right time to fight for my registration as I so much going on in my life at current..." The Committee considers that there was no reason to believe that an adjournment would secure Mrs Brooks' attendance on some future occasion.
10. The Committee bore in mind that that no application for an adjournment had been made by Mrs Brooks and there was no information before the Committee that adjourning would secure her attendance at a later date. On the basis of the information before it, the Committee concluded that Mrs Brooks had voluntarily absented herself from today's hearing.
11. 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 Mrs Brooks and any representatives for either party.

Public and Private Determination

12. The Committee noted that some of the matters in this case related to Mrs Brooks' health and, therefore, it would produce a private and public version of its determination.

Background

13. Mrs Brooks' case was first considered by the IOC on 20 April 2022, when it determined that it was necessary for the protection of the public was otherwise in the public interest and in Mrs Brooks' own interests to impose an interim suspension order for a period of 15 months.
14. The background before the initial IOC was as follows:

"On 29 September 2021 Mrs Brooks informed the GDC that she had been convicted of a criminal offence. The GDC established that Mrs Brooks appeared before Bodmin Magistrates' Court on 23 September 2021 and, after pleading guilty, she was convicted of driving under the influence of drugs. The offence of which Mrs Brooks was convicted took place on 26 February 2021.

[PRIVATE]

*The GDC has also established that on 8 October 2015 Mrs Brooks appeared before Cornwall Magistrates' Court and was convicted of an offence of failing to provide a specimen for analysis (driving or attempting to drive). The GDC alleges that Mrs Brooks failed to declare her conviction at the appropriate times. **[PRIVATE]**."*

15. The interim order was reviewed on 12 October 2022 and 08 March 2023. The Committee determined at both hearings that an interim order of suspension remained necessary on the grounds of public protection, was otherwise in the public interest and was in Mrs Brooks' own interests.
16. On 24 July 2023, the High Court extended the interim order for a period of 12 months.
17. The matter was reviewed on 9 October 2023. The Committee determined that an interim order of suspension remained necessary on the grounds of public protection, was otherwise in the public interest and was in Mrs Brooks' own interests.
18. This is the third review of this order. The order is due to expire on 21 July 2024.

Submissions

19. In its written submissions, the GDC invited the Committee to continue the current order of interim suspension. It submitted that the allegations against Ms Brooks are serious relating to her criminal convictions and the alleged [PRIVATE].
20. The GDC submitted that Ms Brooks has not engaged with the Council and that there has been no material change in circumstances since the last hearing before the IOC that would necessitate an amendment to the current interim order of suspension.
21. Ms Brooks has not provided any submissions for the Committee to consider at today's hearing.

Decision on review

22. 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 the 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.
23. The Committee first considered whether an interim order remains necessary on the grounds of public protection.
24. The Committee considered that the allegations against Mrs Brooks are serious, as they involve criminal convictions and allegations [PRIVATE]. The Committee noted that since the last review, the Case Examiners considered the Registrant's matter on 28 February 2024 and referred the case to the Professional Conduct Committee ("PCC"). It is expected that the hearing will be listed within 9 months of the date of referral by the Case Examiners. It took into account that there has been no material change in circumstances since the last review to undermine the necessity for the imposition of an interim order on Mrs Brooks' registration. It also took into account that Mrs Brooks has not engaged with the GDC's interim orders process. On the basis of the

information before it, the Committee has concluded that there remains a real risk of harm should Mrs Brooks be able to practise without restriction.

25. The Committee next considered whether an interim order is still required on the grounds of public interest in order to maintain confidence in the profession and the GDC as its regulator.
26. The Committee concluded that a well-informed member of the public, aware of all the circumstances in this case, would be troubled to learn that no interim order had remained in force whilst the allegations continued to be investigated. Therefore, the Committee determined that an interim order is also necessary on the grounds of public interest.
27. The Committee also took into account whether an interim order is required in Mrs Brooks' own interest. It determined that an interim order was in Mrs Brooks' own interests **[PRIVATE]**
28. Having determined an interim order is necessary in the circumstances, the Committee must impose the minimum restriction on Mrs Brooks' registration necessary to protect the public, the wider public interest and Mrs Brooks' own interests.
29. In considering the type of order required, the Committee has applied the principle of proportionality, balancing the public interest with Mrs Brooks' own interests.
30. The Committee considered whether interim conditions could be formulated to adequately manage the risks in this case. However, given that Mrs Brooks has not engaged with the GDC's investigation, the Committee determined that interim conditions would not be appropriate or workable in this case.
31. The Committee notes that the continuation of this interim suspension order prevents Mrs Brooks from practising as a dental nurse pending the GDC's investigation into the allegations. However, given the serious nature of the allegations against Mrs Brooks, the Committee is satisfied that the need to protect the public and the wider public interest outweigh her own interests.
32. The interim suspension order will continue for the remainder of the current order.

Review of the order

33. 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 Mrs Brooks will be asked whether there are any written submissions to be put before the Committee on her behalf. Mrs Brooks will then be notified of the outcome in writing following the decision of the Committee.
34. Alternatively, Mrs Brooks is entitled to have the interim order reviewed at an oral hearing. This means that she will be able to attend and make representations, send a representative on her behalf or submit written representations about whether the order continues to be necessary. Mrs Brooks must inform the GDC if she would like the interim order to be reviewed at a hearing.

35. Even if Mrs Brooks does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked or replaced, the Committee will review the order at a hearing to which she and any representative will be invited to attend.
36. Notification of this decision will be served upon Mrs Brooks in accordance with the Act.
37. That concludes this determination.