

**HEARING PART-HELD IN PRIVATE****Professional Conduct Committee  
Initial Hearing****3 and 4 June 2024****Name:** LLOYD, Timothy Edwin**Registration number:** 85255**Case number:** CAS-197726

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**General Dental Council:** Guy Micklewright, Counsel  
Instructed by Sarah Barker, IHLPS**Registrant:** Not present  
Not represented

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**Fitness to practise:** Impaired by reason of conviction and other regulatory finding  
of impairment**Outcome:** Erased with Immediate Suspension**Duration:** N/A**Immediate order:** Immediate suspension order

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**Committee members:** Emily Knapp (Dentist) (Chair)  
Sharon Allen (Dental Care Professional)  
Clive Powell (Lay)**Legal adviser:** Alain Gogarty**Committee Secretary:** Gareth Llewellyn

**Determination on preliminary matters and findings of fact – 3 June 2024****Name:** LLOYD, Timothy Edwin**Registration number:** 85255

1. This is a hearing before the Professional Conduct Committee (PCC). The hearing is being held remotely using Microsoft Teams in line with the Dental Professionals Hearings Service's current practice.
2. Mr Lloyd is not present and is not represented in his absence. Guy Micklewright of Counsel, instructed by Sarah Barker of the General Dental Council's (GDC's) In-House Legal Presentation Service (IHLPS), appears for the GDC.

**Service of notice**

3. Mr Micklewright on behalf of the GDC submitted that service of notice of this hearing has been properly effected in accordance with Rules 13 and 65 of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). On 2 May 2024 a notice of hearing dated was sent to the address that Mr Lloyd has registered with the GDC, setting out the date and time of this hearing, as well as the fact that the hearing would be conducted remotely. The notice was sent using the Royal Mail's Special Delivery service. The Royal Mail's Track and Trace service records that an attempt was made to deliver the notice on 4 May 2024, but that no-one at the destination address had been able to receive the letter. Copies of the notice were also sent to Mr Lloyd by first class post and by email.
4. The Committee accepted the advice of the Legal Adviser. The Committee determined that service of the notice of this hearing has been properly effected in accordance with the Rules.

**Proceeding in absence**

5. The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Mr Lloyd in accordance with Rule 54 of the Rules. Mr Micklewright on behalf of the GDC invited the Committee to proceed in Mr Lloyd's absence.
6. The Committee accepted the advice provided by the Legal Adviser. The Committee was mindful that its discretion to conduct a hearing in the absence of a registrant should be exercised with the utmost care and caution. After careful consideration the Committee determined that it would be appropriate and fair for the hearing to proceed in Mr Lloyd's absence. The Committee considers that the GDC has made all reasonable efforts to inform Mr Lloyd of these proceedings, that he is aware of this hearing, and that he has voluntarily absented himself. The Committee had particular regard to an email that Mr Lloyd sent to the GDC on 25 March 2024 in which he stated that he has not practised dentistry for approximately 20 years, that he would not contest an application to strike his name from the register, and that he accepts that his offences mean that he will never be able to practise again. The Committee considers that Mr Lloyd has disengaged from these proceedings. It considers that an adjournment, which has not been sought, would be unlikely to secure his attendance. The Committee is also mindful of the public interest in the expeditious consideration of this case.

**Application to hold the hearing partly in private**

7. Mr Micklewright invited the Committee to hold part of the hearing in private in accordance with Rule 53 of the Rules. Mr Micklewright invited the Committee to hold those parts of the

hearing that concern Mr Lloyd's health in private for the purposes of protecting his private life. The Committee, having accepted the advice of the Legal Adviser, determined to proceed partly in private if and when matters relating to Mr Lloyd's health are mentioned.

### **Application to withdraw a head of charge**

8. Mr Micklewright then applied to amend the charge by way of withdrawing one of the heads of charge. Mr Micklewright made the application pursuant to Rule 18 of the Rules. The head of charge that the GDC sought to withdraw is, namely, that Mr Lloyd has an adverse physical or mental health condition. Mr Micklewright submitted that the GDC will not be able to adduce sufficient evidence to prove the allegation due to difficulties that it has experienced in seeking relevant evidence as part of its investigation.
9. The Committee, having accepted the advice of the Legal Adviser, determined to accede to the application on the basis that it was fair, appropriate and in the interests of justice for the amendment to be made. The Committee accepts Mr Micklewright's submission that a decision to accede to the application would not amount to an under-prosecution of the case, as it considers that the remaining matters that fall to be determined reflect the gravamen of the case. It is also not unfair to Mr Lloyd. The schedule of charge was duly amended.

### **Application to add a further head of charge**

10. Mr Micklewright invited the Committee to further amend the charge by way of adding a further head of charge. The application was made pursuant to Rule 25 (2) of the Rules. The further head of charge that the GDC seeks to add contends that, on a date in October 2023, Mr Lloyd's fitness to practise as a doctor registered with the General Medical Council (GMC) was found to be impaired by a panel of the Medical Practitioners Tribunal. The specific date in October 2023 was the subject of a subsequent application to amend as set out below. The basis for that finding of impairment was the same conviction that has, in part, brought Mr Lloyd before this Committee.
11. The Committee accepted the advice of the Legal Adviser. The Committee determined to accede to the application to add the new allegation to the existing head of charge that Mr Lloyd faces. The Committee was satisfied that the new allegation is founded on the same alleged facts as the existing allegation, and that it would be fair, appropriate and in the interests of justice for both allegations to be considered at this hearing. The schedule of charge was once more duly amended.

### **Application to amend a head of charge**

12. Prior to the Committee announcing its findings of fact, Mr Micklewright invited the Committee amend head of charge 3, which relates to the Medical Practitioners Tribunal's finding of impairment. The amendment sought was to add words, namely 'or around', after the specified date of 13 October 2023 as a result of apparent ambiguity as to the date of the Tribunal's announcement of that finding. The Committee, having accepted the advice of the Legal Adviser, determined to amend the head of charge so that the relevant date appears as 12 October 2023, which in the Committee's view was the date on which the Tribunal made its finding of impairment, alongside the additional phrase, 'or around'. The schedule of charge was again duly amended.

### **Background to the case and summary of allegations**

13. The allegations giving rise to this hearing arise out of Mr Lloyd's conviction.

14. On 7 February 2023 Mr Lloyd appeared before the Crown Court in Truro and, having pleaded guilty, was convicted of an offence of attempting to cause a child to watch a sex act and two offences of attempting to sexually communicate with a child. Mr Lloyd was sentenced to a period of 18 months' imprisonment, suspended for two years, was required to register as a sex offender for ten years, was ordered to undertake rehabilitation activities for 40 days, and was ordered to pay costs and a victim surcharge. The offences giving rise to the conviction were said to have taken place in February and March 2021.
15. On or around 12 October 2023 a Medical Practitioners Tribunal found Mr Lloyd's fitness to practise as a doctor registered with the GMC impaired by reason of the conviction referred to in the previous paragraph.

### **Evidence**

16. The Committee has been provided with documentary material in relation to the heads of charge that Mr Lloyd faces, including a certified Certificate of Conviction, a police case summary (MG5), a transcript of the judge's sentencing remarks, and a copy of the determination of the Medical Practitioners Tribunal.
17. The Committee heard no oral evidence at this stage of the hearing.

### **Committee's findings of fact**

18. The Committee has taken into account all the evidence presented to it. It has considered the submissions made by Mr Micklewright on behalf of the GDC. The Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020).
19. The Committee has accepted the advice of the Legal Adviser. The Committee is mindful that the burden of proof lies with the GDC, and has considered the heads of charge against the civil standard of proof, that is to say, the balance of probabilities. The Committee has considered each head of charge separately.
20. I will now announce the Committee's findings in relation to each head of charge:

1.	<p><i>On 7 February 2023, you were convicted for the following offences:</i></p> <p><i>a. Attempting to cause a child to watch a sex act</i></p> <p><i>b. Attempting to sexually communicate with a child</i></p> <p><i>c. Attempting to sexually communicate with a child</i></p> <p><b>Proved</b></p>
	<p>The Committee finds the facts alleged at head of charge 1 proved.</p> <p>The Committee had regard to Rule 57 (5) of the Rules and determined that the certified copy of the Certificate of Conviction placed before it provides conclusive proof of both the fact of conviction, and also proves the facts of the three offences giving rise to that conviction. The Committee notes that the facts upon which the</p>

	<p>conviction was based have been found proven beyond reasonable doubt, which is an evidential standard that is higher than that employed by this Committee. The Committee accepted that it cannot go behind the facts on which the conviction was made.</p> <p>Accordingly, the Committee finds the facts alleged at head of charge 1 proved.</p>
2.	<p><i>You have an adverse physical or mental health condition.</i></p> <p><b>Withdrawn pursuant to Rule 18 as set out above</b></p>
3.	<p><i>On or around 12 October 2023 a Medical Practitioners Tribunal found your fitness to practise as a doctor registered with the General Medical Council impaired by reason of the convictions particularised in paragraph 1 above.</i></p> <p><b>Proved</b></p>
	<p>The Committee finds the facts alleged at head of charge 3 proved.</p> <p>The Committee had regard to the determination of the Medical Practitioners Tribunal presented to it. That determination records that on or around 12 October 2023 the Tribunal found Mr Lloyd's fitness to practise as a doctor registered with the GMC impaired. The Tribunal found such impairment by reason of the conviction set out at head of charge 1 above. The Committee considers that this evidence demonstrates that Mr Lloyd has been found to be impaired by the Medical Practitioners Tribunal as alleged at this head of charge.</p> <p>Accordingly, the Committee finds the facts alleged at head of charge 3 proved.</p>

21. We move to stage two.

### **Determination on impairment and sanction – 4 June 2024**

22. Following the handing down of the Committee's findings of fact on 3 June 2024, the hearing proceeded to stage two; that is to say, impairment and sanction.

#### **Proceedings at stage two**

23. The Committee has considered all the evidence presented to it, and has taken into account the submissions made by Mr Micklewright on behalf of the GDC.

24. In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has also had regard to the GDC's *Guidance for decision makers on the impact of criminal convictions and cautions* (May 2014). The Committee has accepted the advice of the Legal Adviser.

#### **Evidence at stage two**

25. The Committee received no further documentary evidence at this stage of the proceedings.

26. The Committee heard no oral evidence at this, or indeed the previous, stage of the hearing.

### **Fitness to practise history**

27. Mr Micklewright addressed the Committee in accordance with Rule 20 (1) (a) of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). He stated that Mr Lloyd has no other fitness to practise history with the GDC.

### **Submissions**

28. Mr Micklewright on behalf of the GDC invited the Committee to find that Mr Lloyd's fitness to practise is currently impaired by reason of his conviction, as well as by reason of the finding of the Medical Practitioners Tribunal that Mr Lloyd's fitness to practise as a doctor was impaired because of that same conviction. Mr Micklewright submitted that the only appropriate and proportionate sanction is that of erasure.

### **Impairment**

29. The Committee first considered whether Mr Lloyd's fitness to practise is currently impaired by reason of his conviction, or the finding of impairment made by the Medical Practitioners Tribunal, or both.
30. In considering these matters, the Committee exercised its own independent judgement. Throughout its deliberations, the Committee has borne in mind that its overarching objective is to protect the public, which includes the protection of patients and the wider public, the maintenance of public confidence in the profession and in the regulatory process, and the declaring and upholding of proper standards of conduct and behaviour.

### **BY REASON OF CONVICTION**

31. The Committee considered whether Mr Lloyd's fitness to practise is currently impaired by reason of the conviction that the Committee found proved at head of charge 1.
32. The conviction may be summarised in the following terms. On 7 February 2023 Mr Lloyd appeared before the Crown Court in Truro and, having pleaded guilty, was convicted of an offence of attempting to cause a child to watch a sex act and two offences of attempting to sexually communicate with a child. Mr Lloyd was sentenced to a period of 18 months' imprisonment, suspended for two years, was required to register as a sex offender for ten years, was ordered to undertake rehabilitation activities for 40 days, and was ordered to pay costs and a victim surcharge. The offences giving rise to the conviction were said to have taken place in February and March 2021, and involved Mr Lloyd communicating with specially-trained undercover police officers whom he believed to be children.
33. The Committee finds that Mr Lloyd's fitness to practise is currently impaired by reason of his conviction. The Committee is in no doubt as to the seriousness of the offences for which Mr Lloyd was convicted, relating as they do to his attempts to sexually communicate with a child and attempting to cause a child to watch a sex act. Mr Lloyd's behaviour included holding himself out to be a 13-year-old boy. The nature of these serious offences is highly damaging to his fitness to practise and represent an egregious departure from proper professional standards. The Committee finds that Mr Lloyd lacks insight into his offending behaviour, and has not remediated such conduct to any significant extent. Whilst Mr Lloyd pleaded guilty to the offences when he stood before the Crown Court, the Committee also notes that his expressions of reflection and remorse focus more on the implications of his conviction on him

and his family. He has not, for instance, demonstrated any meaningful insight into his offending behaviour and has not described his understanding of the potential harm that his offending behaviour may have caused.

34. The Committee considers that Mr Lloyd presents a risk to the public because of the serious offences of which he was convicted, and that it cannot be said that a repetition is highly unlikely. The risk that Mr Lloyd poses is underscored by the report from his probation officer which was provided to the Medical Practitioners Tribunal and which identifies that, at that time, he was a medium risk to children. The Committee is also mindful that Mr Lloyd remains subject to the terms of his suspended custodial sentence and that he is required to register as a sex offender for a considerable number of years. In the Committee's judgement these aspects of his sentence further demonstrate the inherent seriousness of his offending behaviour as well as the future risk that he poses to the public. The public remains at unwarranted risk of harm, and Mr Lloyd's fitness to practise is therefore currently impaired.
35. The Committee also considers that a finding of current impairment is, undoubtedly, required in the wider public interest. The Committee finds that a declaration of impairment is needed to declare and uphold proper professional standards of conduct and behaviour and to maintain public trust and confidence in the profession. It considers that the standing and reputation of the profession, and the public's trust and confidence in the profession, would be significantly undermined if a finding of impairment were not made in the especially serious circumstances of this case.
36. The Committee has therefore determined that Mr Lloyd's fitness to practise is impaired by reason of his conviction.

#### **BY REASON OF THE FINDING OF IMPAIRMENT MADE BY THE MEDICAL PRACTITIONERS TRIBUNAL**

37. The Committee next considered whether Mr Lloyd's fitness to practise is also currently impaired by reason of the finding of the Medical Practitioners Tribunal on or around 12 October 2023 that his fitness to practise as a doctor registered with the GMC was impaired.
38. The Committee finds that Mr Lloyd's fitness to practise is further impaired on the grounds of the finding of the Medical Practitioners Tribunal. The Committee considers that the Tribunal's finding is damaging to Mr Lloyd's fitness to practise as a dentist registered with the GDC, particularly as it was founded on public protection as well as public interest considerations. The Committee finds that a declaration of impairment on account of the Tribunal's declaration is required to protect the public, to declare and uphold proper professional standards of conduct and behaviour, and to maintain public trust and confidence in the profession and in the GDC as regulator.
39. The Committee has therefore determined that Mr Lloyd's fitness to practise is also impaired by reason of the finding of the Medical Practitioners Tribunal that his fitness to practise as a doctor was impaired.

#### **Sanction**

40. The Committee then determined what sanction, if any, is appropriate in light of the findings of impairment that it has made. The Committee recognises that the purpose of a sanction is not to be punitive, although it may have such an effect, but is instead imposed to protect patients and safeguard the wider public interest considerations mentioned above.



41. In reaching its decision the Committee has again taken into account the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has applied the principle of proportionality, balancing the public interest with Mr Lloyd's own interests. The Committee has once more exercised its own independent judgement.
42. The Committee has paid careful regard to the mitigating and aggravating factors present in this case.
43. In respect of the mitigating factors that are present, the Committee notes that Mr Lloyd is of previous good character with no other fitness to practise history. The Committee also notes that there are no reports of any repetition of his conduct.
44. In terms of aggravating factors, the Committee notes that Mr Lloyd's offending behaviour was repeated, that it involved individuals whom Mr Lloyd understood to be children, that his offending behaviour entails a risk of serious harm to vulnerable people, and that he lacks insight into his conduct.
45. The Committee has considered the range of sanctions available to it, starting with the least restrictive. In the light of its findings, the Committee considers that taking no action, or imposing a reprimand, would be wholly insufficient in the particular, and particularly serious, circumstances of this case. In the Committee's judgement, the nature of the convictions giving rise to its findings of impairment mean that the public would be insufficiently protected, and public trust and confidence in the profession and in the regulatory process would be significantly undermined, if no action were taken or if a reprimand were issued. Further, no action or a reprimand would also not be enough to declare and uphold proper professional standards of conduct and behaviour.
46. The Committee next considered whether a direction of conditional registration would be appropriate and proportionate. In the Committee's judgement conditions cannot adequately address the issues that it has identified. Given Mr Lloyd's lack of meaningful engagement, the Committee has no confidence that he would comply with conditions, even if they could be formulated. In any event, the Committee considers that a direction of conditions would again be wholly insufficient to protect the public, to declare and uphold proper professional standards of conduct and behaviour and to maintain public trust and confidence in the profession and in the regulatory process in the particular circumstances of this case.
47. The Committee next considered whether a direction of suspended registration would be a suitable disposal of this case. After careful consideration the Committee has concluded that suspension would not be sufficient to meet the public protection and public interest considerations engaged by this case. In the Committee's judgement such a sanction would not be sufficient to protect the public, would not declare and uphold proper professional standards, and would undermine public trust and confidence.
48. The Committee has therefore determined that the only appropriate and proportionate sanction is that of erasure. Mr Lloyd's offending behaviour was a serious departure from relevant professional standards. The public, and particularly children, are at risk of serious harm on account of his offending behaviour. Mr Lloyd appears to continue to lack meaningful insight into his conduct. In the Committee's judgement any lesser sanction than that of erasure would not be sufficient to protect the public and secure the public interest considerations referred to above.
49. The Committee hereby directs that Mr Lloyd's name be erased from the register.



**Existing interim order**

50. In accordance with Rule 21 (3) of the Rules and section 27B (9) of the Dentists Act 1984 (as amended) the interim order of suspension in place on Mr Lloyd's registration is hereby revoked.

**Immediate order**

51. The Committee now invites submissions as to whether Mr Lloyd's registration should be made subject to an immediate order.

**Determination on immediate order – 4 June 2024**

52. Following the handing down of the Committee's determination on impairment and sanction on 4 June 2024, the hearing continued on that same day to consider whether to impose an immediate order.
53. Mr Micklewright on behalf of the GDC submitted that an immediate order of suspension is necessary to protect the public and is otherwise in the public interest.
54. The Committee has again had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee accepted the advice of the Legal Adviser.
55. The Committee considers that an immediate order of suspension is necessary to protect the public and is otherwise in the public interest. The Committee has determined that, given the serious risks to the public and the public interest that it has identified, it would be wholly inappropriate to permit Mr Lloyd to practise before the substantive direction of erasure takes effect. The Committee considers that an immediate order for suspension is consistent with the findings that it has set out in its foregoing determination.
56. The effect of the foregoing determination and this immediate order is that Mr Lloyd's registration will be suspended from the date on which notice of this decision is deemed to have been served upon him. Unless he exercises his right of appeal, the substantive direction of erasure will be recorded in the register 28 days from the date of deemed service. Should Mr Lloyd decide to exercise his right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.
57. That concludes this case.