

HEARING PARTLY HELD IN PRIVATE

Professional Conduct Committee Initial Hearing

16 - 19 October 2023

Name: ROGERS, Laura Elizabeth

Registration number: 272565

Case number: CAS-200857

General Dental Council: Ms A Manning-Rees, Counsel/Case Presenter.
Instructed by Scott Shadbolt IHLPS

Registrant: Not Present or Represented.

Fitness to practise: Impaired by reason of misconduct and caution/conviction.

Outcome: Erased with Immediate Suspension

Immediate order: Immediate suspension order

Committee members: Nora Nanayakkara (Chair and Lay member)
Alison Mayell (Dentist Member)
Lynne Frewin (DCP Member)

Legal adviser: Sanjay Lal

Committee Secretary: Gurjeet Dhuper

1. This is a Professional Conduct Committee hearing. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams in line with current GDC practice. Ms Rogers was neither present nor represented in this hearing. Ms Manning-Rees (Counsel) is the Case Presenter for the GDC.

Preliminary matters

Decision on service of notification of hearing (Monday 16 October 2023)

2. In Ms Rogers' absence, Ms Manning-Rees submitted that the notification of hearing had been served on her in accordance with Rules 13 and 65 of the General Dental Council (GDC) (Fitness to Practice) Rules Order of Council 2006 ("the Rules").
3. The Committee had before it a copy of the notification of hearing letter dated 11 September 2023, which was sent by Royal Mail Special Delivery, Tracked and Signed, to Ms Rogers' registered address as it appears in the Register. It was satisfied that the letter contained all the components necessary such as the date, time and venue (Microsoft Teams) in accordance with Rule 13. The Committee noted the Royal Mail track and trace report showed that delivery of the notice letter had been attempted on 13 September 2023 and that it was due for redelivery on 14 September 2023. The notice of hearing was also sent to Ms Rogers via email, and this was acknowledged by a download receipt.
4. Having accepted the advice of the Legal Adviser, the Committee was satisfied that the notification of hearing had been served in accordance with Rules 13 and 65.

Decision on proceeding in Ms Rogers' absence (Monday 16 October 2023)

5. Ms Manning-Rees then made an application under Rule 54 that the hearing should proceed in Ms Rogers' absence. The Committee bore in mind that its discretion to proceed with a hearing in these circumstances should be exercised with the utmost care and caution. It took account of Ms Manning-Rees' submissions, and it accepted the advice of the Legal Adviser.
6. The Committee had sight of a telephone attendance note dated 6 October 2023 which outlines a conversation between the GDC and Ms Rogers. In an email dated 16 October 2023 Ms Rogers expressed a desire to have the hearing held in private in response to a reminder that the hearing would commence at 10am. Ms Rogers did not attend the hearing at 10am having previously stated that she was not planning on joining the industry again and did not see the point in attending.
7. The Committee found all reasonable efforts had been made to send notification of the hearing to Ms Rogers. It was clear to the Committee that Ms Rogers has no intention of attending this hearing and was satisfied that she has voluntarily waived her right to attend the hearing.
8. In considering the exercise of its discretion to proceed in Ms Rogers' absence the Committee had regard, amongst other things, to the public interest in the expeditious disposal of this case, the potential inconvenience to any witnesses called to attend this hearing and fairness to Ms

Rogers. The Committee was of the view that adjournment was unlikely to secure Ms Rogers' attendance at a future hearing and was satisfied there was no good reason to inconvenience any potential witnesses to be called to give evidence. For all these reasons the Committee determined to proceed with the hearing in Ms Rogers' absence. In reaching this decision the Committee had full regard to all the principles set out in the case of GMC v Adeogba [2016] EWHC Civ 162 relevant to the exercise of its discretion under Rule 54.

Application to hold the hearing partly in private (16 October 2023)

9. Ms Manning-Rees made an application for parts of the hearing to be held in private. She submitted that some matters in this hearing relate to Ms Rogers' personal life which should not be in the public domain. Ms Rogers had made a request to have matters dealt with in private in her email of 16 October 2023.
10. The Committee considered the submissions and Ms Rogers' email and accepted the advice of the Legal Adviser. It considered Rule 53 (1)(2)(a) of the Rules. Having heard the submissions, it acceded to the application and determined to hold the hearing partly in private where necessary to protect Ms Rogers' private life.

Application to amend the charge (16 October 2023)

11. Ms Manning-Rees made an application under Rule 18 of Rules. She applied to amend a minor typographical error in Charge 9.b.ii to replace the word '*her*' to '*your*'.
12. The Committee accepted the advice of the Legal Adviser. It was satisfied that the amendment was purely grammatical and would not prejudice or cause any injustice to Ms Rogers. The Committee considered that it was reasonable and fair for the amendment to be made. The charge was duly amended.

Further amendment to the Charge (16 October 2023)

13. At the close of the GDC case, an error was spotted in Charge 9.c to which the Committee sought clarification. This led to Ms Manning-Rees making a further amendment to the charge to rectify an administrative error. She applied to replace the date "*22 March 2022*" to "*23 March 2023*".
14. The Committee accepted the advice of the Legal Adviser and determined this amendment made no material difference to the Charge. The charge was duly amended.

Background to the case

15. On 7 April 2022 the GDC was contacted by Person B to establish whether Ms Rogers had declared her convictions and cautions at the time of her GDC registration. On 13 April 2022 Person B sent a further email to say that she had spoken to Ms Rogers who informed her that

she had declared her convictions/caution to the GDC. On the same day Person B also provided a copy of Ms Rogers' DBS certificate which disclosed convictions for 5 criminal offences between 2012 and 2018 and cautions for 2 other matters in 2018. The GDC Casework team obtained a copy of Ms Rogers' initial registration form dated 30 June 2017 where it was indicated by her that she had not previously received any convictions or cautions. The GDC Casework team also obtained a copy of Ms Rogers' application to re-join the register dated 19 February 2019 (Ms Rogers had previously been removed for non-payment of the annual retention fee on 2 August 2018). Ms Rogers had completed the application to re-join the register indicating that she had not previously received any convictions or cautions. In addition to these allegations, it is alleged that Ms Rogers failed to ensure that she had adequate indemnity insurance in place and that she failed to cooperate with the GDC investigation by not providing information concerning her employment and indemnity insurance.

16. The Committee had regard to a number of documents as contained in the main GDC hearing bundle. The Committee also took into account of the correspondence provided by Ms Rogers.

Decision and reasons on the facts

17. The Committee considered all the evidence presented to it and took account of the submissions made by Ms Manning-Rees on behalf of the GDC. It accepted the advice of the Legal Adviser. The Committee considered each head of charge separately, bearing in mind that the burden of proof rests with the GDC and that the standard of proof is the civil standard, that is, whether the alleged facts are proved on the balance of probabilities.

18. The Committee's findings in relation to each head of charge are as follows:

1.	<p>On 9 October 2012 you were convicted at West Lincolnshire Magistrates Court of Driving a motor vehicle with excess alcohol contrary to s.5(1)(a) Road Traffic Act 1988.</p> <p>Found Proved</p> <p>The Committee had sight of a certificate of conviction in relation to Ms Rogers' conviction. The facts are found proved in accordance with Rule 57 (5) which states:</p> <p><i>57 - (5) Where a respondent has been convicted of a criminal offence—</i> <i>(a) a copy of the certificate of conviction, certified by a competent officer of a court in the United Kingdom (or, in Scotland, an extract conviction)</i> <i>shall be conclusive proof of the conviction.</i></p>
2.	<p>On 29 September 2016 you were cautioned by Lincolnshire Police with Common Assault contrary to s.39 of Criminal Justice Act 1988.</p>

	<p>FOUND PROVED</p> <p>For the same reasons as Charge 1.</p>
3.	On 5 October 2017 you were convicted at Lincolnshire Magistrates Court of:
a	<p>Battery contrary to s.39 of Criminal Justice Act 1988 on 13 June 2017</p> <p>FOUND PROVED</p> <p>For the same reasons as Charge 1.</p>
b	<p>Battery contrary to s.39 of Criminal Justice Act 1988 on 10 September 2017</p> <p>FOUND PROVED</p> <p>For the same reasons as Charge 1.</p>
c	<p>Destroying or damaging property contrary to s.1(1) of Criminal Damage Act 1971 on 10 September 2017.</p> <p>FOUND PROVED</p> <p>For the same reasons as Charge 1.</p>
4.	<p>On 31 May 2018 you were convicted at Lincolnshire Magistrates Court of Driving a motor vehicle with excess alcohol to contrary to s.5(1)(a) Road Traffic Act 1988.</p> <p>FOUND PROVED</p> <p>For the same reasons as Charge 1.</p>
	Failure to inform – Council
5.	<p>On 29 June 2017, you signed the application form for registration with General Dental Council and ticked the box “No” in response to the question: “Have you been convicted of a criminal offence and/or cautioned and/or are you currently subject to any police investigations which might lead to a conviction or a caution in the UK or any other country?”</p> <p>FOUND PROVED</p> <p>The Committee had sight of Ms Rogers’ GDC Registration form dated 29 June 2017. It could see under the heading ‘Declaration’ that Ms Rogers ticked ‘No’ to the question as set out in the charge. Accordingly, the Committee finds this charge proved.</p>

6.	<p>You failed to immediately inform the General Dental Council that on 5 October 2017 you were convicted as set out in Charge 3.</p> <p>FOUND PROVED</p> <p>The Committee had regard to the GDC standards, particularly Standard 9.3.1 which reads: “<i>You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world</i>”. It was satisfied that there is a clear duty upon Ms Rogers to notify her conviction to the GDC.</p> <p>It was the GDC’s evidence that Ms Rogers did not immediately declare her conviction. Further, it had regard to an email dated 30 June 2022 sent by Ms Rogers to her employers at the practice in which she states “<i>i should have disclosed this to the GDC andi [sic] was extremely wrong not to...</i>”</p> <p>Accordingly, the Committee finds this charge proved.</p>
7.	<p>You failed to immediately inform the General Dental Council that on 31 May 2018 you were convicted as set out in Charge 4</p> <p>FOUND PROVED</p> <p>The Committee considered this charge separately and reached the same decision for the same reasons as in Charge 6 above.</p>
8.	<p>On 19 February 2019, you signed the application form for registration with General Dental Council and ticked the box “No” in response to the question: “Have you been convicted of a criminal offence and/or cautioned and/or are you currently subject to any police investigations which might lead to a conviction or a caution in the UK or any other country?”</p> <p>FOUND PROVED</p> <p>The Committee considered this charge separately and reached the same decision for the same reasons as in Charge 5 above.</p>
	Failure to inform – Employer
9.	<p>You failed to inform your employer at the [redacted], of your convictions and/or caution in that:</p>
a.	<p>Prior to commencing employment on 16 January 2020, you only disclosed one conviction, that set out at Charge 4.</p> <p>FOUND PROVED</p>

	<p>The Committee had regard to Person A's witness statement and an accompanying exhibit namely, the record of meeting minutes that took place on 11 January 2021 between Ms Rogers and Person A in which she was asked to explain why the other offences were not brought to Ms Rogers' employers' attention. Ms Rogers gave an explanation in acknowledgement of the fact that she had not disclosed the other offences. The minutes were signed and dated by Ms Rogers. Person A states that at the time of hiring Ms Rogers, only one conviction, as set out in Charge 4, was disclosed.</p> <p>Accordingly, the Committee finds this charge proved.</p>
b.	<p>On 11 January 2021:</p> <p>i. You said to Person A that you had declared all offences to the General Dental Council.</p> <p>ii. You said to Person A that you had previously sent reports from your solicitor to the General Dental Council regarding the offences.</p> <p>iii. You said to Person A that you declared the offences to the General Dental Council by using an "annual declaration".</p> <p>FOUND PROVED IN ITS ENTIRETY</p> <p>The Committee had regard to the same record of meeting minutes as referred to in its finding for Charge 9.a above. It could see that the points as set out in 9.b i – iii were recorded as having been given by Ms Rogers at the meeting. Ms Rogers had signed the meeting minutes to confirm that they were accurate.</p> <p>Accordingly, the Committee finds these charges proved.</p>
c.	<p>On 23 March 2022 you sent an email to Person B stating that the offences had been discussed with another member of staff previously.</p> <p>FOUND PROVED</p> <p>The Committee had regard to Person B's witness statement in which she states that she had asked Ms Rogers to confirm if she had informed the GDC of her caution/convictions and to provide evidence of doing so. Ms Rogers responded that she had disclosed her caution/convictions 6 years ago to the GDC and had previously discussed it with the practice manager at the time.</p> <p>Accordingly, the Committee finds this charge proved.</p>
d.	<p>On 23 March 2022 you sent an email to Person B stating that you had disclosed offences to the General Dental Council 6 years previously.</p>

	<p>FOUND PROVED</p> <p>The Committee considered this charge separately and reached the same finding as in Charge 9.c above.</p>
	<p>Failure to Cooperate</p>
10.	<p>From 7 June 2022 until at least 18 July 2022 you failed to co-operate with an investigation conducted by the General Dental Council in that you did not provide the General Dental Council with information concerning your employment and indemnity insurance as requested.</p> <p>FOUND PROVED</p> <p>The Committee had regard to the GDC standards, particularly Standards 9.4 and 9.4.1 which read: <i>“You must co-operate with any relevant formal or informal inquiry and give full and truthful information”</i> and <i>“If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter. You should also seek advice from your indemnity provider or professional association.”</i> It was satisfied that there was a clear duty upon Ms Rogers to cooperate with the GDC investigation.</p> <p>The Committee had before it a clear documentary trail which is a letter from the GDC to Ms Rogers dated 6 June 2022 requesting specific information which included “Working arrangements” and “Proof of indemnity.”</p> <p>Ms Rogers responded to the GDC via email with queries and expressing that she was unable to download the letter. The Committee noted that the letter was subsequently re-sent to Ms Rogers on 29 June 2022 as an email attachment instead to enable her to access the letter more easily.</p> <p>The Committee could also see evidence that the GDC had sent Ms Rogers several reminders (via email and telephone) to provide it with the information requested. However, there was no evidence that the requested information was supplied.</p> <p>It was the GDC’s case that the requested information was not supplied. The Committee accepted that was the case and was satisfied that Ms Rogers had breached her duty. Accordingly, the Committee finds this charge proved.</p>
11.	<p>From 16 January 2020 until, at least, 11 January 2021 you practised as a Dental Nurse without adequate indemnity insurance.</p> <p>FOUND PROVED</p>

	<p>The Committee had regard to the GDC standards, particularly Standards 9.4 and 1.8.1 which reads: <i>“You must have appropriate insurance or indemnity in place to make sure your patients can claim any compensation to which they may be entitled.”</i> It was satisfied that there was a clear duty upon Ms Rogers to have appropriate indemnity insurance in place.</p> <p>In addition, the Committee had sight of Ms Rogers’ application form which was signed and dated by her on 19 February 2019. On this form Ms Rogers made an indemnity declaration: <i>“I have in place, or will have in place at the point at which I practise in the UK, Insurance or indemnity arrangements appropriate to the areas of my practice.”</i></p> <p>The Committee accepted the evidence before it and was satisfied that Ms Rogers breached her duty. Accordingly finds this charge proved.</p>
	Motivation
12.	Your actions in relation to the following charges was misleading:
	<p>a) Charge 5. b) Charge 6. c) Charge 7. d) Charge 8.</p> <p>FOUND PROVED</p> <p>The Committee had regard to its findings in Charges 5, 6, 7 and 8. Ms Rogers failing to inform the GDC of her cautions and convictions and further making a clear declaration to state that she had never been convicted of a criminal offence and/or caution in the UK is evidently misleading as it gives the impression that Ms Rogers did not have a criminal record. Accordingly, these charges are found proved.</p>
	<p>e) Charge 9</p> <p>FOUND PROVED</p> <p>The Committee had regard to its findings in Charge 9. Similarly, to Charges 12 a-d above, Ms Rogers’ conduct was deemed to be misleading. Ms Rogers misled her employers by not declaring the full extent of her criminal record. In addition, she made several false statements to work colleagues that she had declared all of her offences to the GDC, had previously sent reports from her solicitor to the GDC, that she declared her offences to the GDC by using an annual declaration and that her offences had been discussed with another work colleague previously. Accordingly, this charge is found proved.</p>

	<p>f) Charge 10</p> <p>FOUND NOT PROVED</p> <p>The Committee did not find that the GDC had adduced sufficient evidence relating to Charge 10. It was not satisfied based on the evidence before it that Ms Rogers' omission in not providing details of her employment and indemnity had caused another to believe something that is not true. Accordingly, it finds this charge not proved.</p>
	<p>g) Charge 11</p> <p>FOUND PROVED</p> <p>Ms Rogers' failure to hold adequate indemnity insurance whilst practising and her declaration that she either has or will have insurance is evidently misleading to the GDC, her employers and patients.</p> <p>Accordingly, this charge is found proved.</p>
13.	Your actions in relation to the following charges was dishonest:
a-d	<p>a) Charge 5.</p> <p>b) Charge 6.</p> <p>c) Charge 7.</p> <p>d) Charge 8.</p> <p>FOUND PROVED IN ITS ENTIRETY</p> <p>The Committee found in Charges 5, 6, 7 and 8 above that Ms Rogers was obliged to inform the GDC of her convictions and caution.</p> <p>The Committee noted that in an email dated 30 June 2022 Ms Rogers explained to Person B her personal circumstances at the time she received her convictions and caution. Ms Rogers accepted that she should have disclosed these to the GDC and was wrong not to. However, she went on to express concerns about her losing her job and the impact this would have upon her.</p> <p>The Committee was satisfied that Ms Rogers was fully aware of her duty to inform the GDC and knowingly concealed her convictions and caution as she knew of the potential implications she could face.</p>

	<p>It was also satisfied in all the circumstances that the ordinary decent person would find Ms Rogers' actions in failing to disclose her convictions and caution to be dishonest.</p> <p>Accordingly, the Committee finds these charges proved.</p>
	<p>e) Charge 9.</p> <p>FOUND PROVED</p> <p>The Committee considered this charge separately and reached the same finding as in Charge 13 a-d above. It was satisfied that Ms Rogers was fully aware of her duty to inform her employers and knowingly concealed her convictions and caution as she knew of the potential implications she could face.</p> <p>It was also satisfied in all the circumstances that the ordinary decent person would find Ms Rogers' actions in failing to disclose her convictions and caution to be dishonest.</p> <p>Accordingly, the Committee finds this charge proved.</p>
	<p>f) Charge 10. g) Charge 11</p> <p>FOUND PROVED</p> <p>The Committee considered Charges 10 and 11 together.</p> <p>The Committee found in Charge 10 that Ms Rogers had a duty to cooperate with the GDC and provide evidence of her working arrangements and indemnity insurance. In Charge 11 it also found that Ms Rogers did not have indemnity in place.</p> <p>The Committee had sight of a telephone attendance note dated 6 October 2023 which set out the contents of a conversation between Ms Rogers and the GDC legal team. It noted that when the topic of indemnity insurance had arisen, Ms Rogers stated that she assumed it was her employers' responsibility and that she would be automatically covered. However, the GDC's guidance on indemnity in force since 2019 states: "<i>if you are relying on arrangements made by your employer, it is still your responsibility make sure that you are covered for all the locations where you work and all the tasks that you do. You must not make any assumptions about whether or not you are covered by your employer's arrangements –you must always check...</i>"</p> <p>The Committee also considered the evidence of her colleagues which was that the practice at the time offered indemnity but required employees to contact the</p>

	<p>provider directly to be added to the policy. This requirement was discussed during employee inductions. However, the Committee had sight of a telephone attendance note dated 6 October 2023 in which Ms Rogers claims she did not know and had been “<i>raging</i>” when she found out that she had been practicing without indemnity for a year.</p> <p>The Committee did not accept Ms Rogers’ claim and concluded on balance that her state of belief or knowledge at the time was that she knew she was responsible for ensuring she had adequate indemnity cover or insurance in place.</p> <p>It was satisfied that Ms Rogers was fully aware of her duty to have indemnity insurance in place and that she failed to provide the GDC with evidence of it because she was aware of the potential implications she could face.</p> <p>It was also satisfied in all the circumstances that the ordinary decent person would find Ms Rogers’ actions in failing to cooperate with the GDC and not having indemnity insurance in place to be dishonest.</p> <p>Accordingly, the Committee finds these charges proved.</p>
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Decision and reasons on fitness to practise

19. The Committee has had regard to the submissions made by Ms Manning-Rees, and it accepted the advice of the Legal Adviser.
20. Ms Manning-Rees began by addressing the Committee on misconduct, impairment and sanction. She highlighted to the Committee that in this particular case there are two statutory grounds for it to consider namely, misconduct and/or caution/conviction. In relation to misconduct, she submitted that Ms Rogers’ conduct in relation to the facts found proved is serious. Ms Rogers failed to cooperate with the GDC, and failed to tell her employer/GDC about her convictions/caution in a manner that was misleading and dishonest. Further, Ms Rogers practised without indemnity insurance. Ms Manning-Rees set out a number of the GDC Standards which she submitted Ms Rogers has breached and that the facts found proved amount to misconduct.
21. Ms Manning-Rees next addressed the Committee on impairment and invited it to conclude that Ms Rogers’ fitness to practise is currently impaired by reason of her misconduct and convictions/caution. She submitted that there is an absence of any evidence about Ms Rogers’ current position. Ms Manning-Rees submitted that the Committee may consider that there is a real risk of repetition. Ms Manning-Rees also submitted that a finding of current impairment is necessary in the wider public interest so as to uphold the reputation of the dental profession and declare and uphold appropriate standards of conduct.

22. Ms Manning-Rees invited the Committee to consider concluding this case by directing that Ms Rogers' registration be erased given the seriousness of the Committee's findings.

Misconduct

23. The Committee first considered the matter of misconduct in relation to charges 5-13 only.
24. The Committee had regard to the GDC Standards, as set out in its publication '*Standards for the Dental Team (September 2013)*'. In its view the following standards were breached:
- 1.3 *You must be honest and act with integrity.*
 - 1.7 *Put patients' interests before your own or those of any colleague, business or organisation.*
 - 1.8 *You must have appropriate arrangements in place for patients to seek compensation if they have suffered harm.*
 - 9.1 *Ensure that your conduct, both at work and in your personal life, justifies patients' trust in you and the public's trust in the dental profession.*
 - 9.3.1 *You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information.*
 - 9.4 *You must co-operate with any relevant formal or informal inquiry and give full and truthful information.*
 - 9.4.1 *If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter. You should also seek advice from your indemnity provider or professional association.*

Failure to inform GDC/employers convictions/caution.

25. The Committee found that Ms Rogers did not inform the GDC or her employers of the entirety of her convictions and caution, which the Committee found she was under an obligation to do. It had sight of Ms Rogers' application form for registration with the GDC in which she made a clear declaration that she had not been convicted of a criminal offence. Further, Ms Rogers provided false information to her employers by stating that she had declared all of her offences to the GDC and that she had also discussed the full extent of her offences with another member of staff. The Committee was of the view that Ms Rogers placed own her interests before her patients, employers and regulator and deliberately concealed her criminal background. It was of the view that honesty is a fundamental and underlying tenet of the

profession that strikes at the heart of the process of registration and amounts to a serious falling short of the standards of conduct expected of a registered dental nurse.

Failure to cooperate with GDC

26. The Committee considered that maintenance of public confidence in the GDC register is essential. The Committee was satisfied that Ms Rogers had an unequivocal duty to co-operate with the investigation being conducted by the GDC. Over a prolonged period of time, she failed to provide information relating to her indemnity insurance and working arrangements. The Committee considered that this conduct frustrated the GDC investigation into concerns relating to her conduct and undermined the effectiveness of the GDC's role in professional regulation. The Committee had no doubt that this would be seen as deplorable conduct by fellow registrants and the public. Further, the Committee found Ms Rogers' actions in failing to provide the requested information to be dishonest as she knew the potential consequences she would face.

Working without indemnity insurance

27. The Committee bore in mind that a Registrant practising dental nursing is required to have indemnity insurance in place. This is a fundamental tenet of the profession which is outlined in the Dentists' Act 1984. It considered the possible risks to patients treated by Ms Rogers in that their ability to proceed with any potential claim regarding her clinical practice would be impacted by her failure to hold indemnity insurance. The Committee considered that Ms Rogers' failures in respect of fundamental aspects of dentistry had directly impacted upon the overarching issue of patient safety. Further, it was satisfied that the failing was prolonged over a total period of 12 months and was serious. It went to the very heart of a registrant's duty to ensure patient safety and to put patients' interests first. The Committee did not accept Ms Rogers' explanation that she assumed she was covered by the practice's policy.
28. Having considered all the matters above, the Committee considered that the public are entitled to expect their dental nurse to adhere to GDC standards and to be honest. It concluded that Ms Rogers' dishonest and misleading conduct was a serious departure from the standards expected of a registered dental professional and would be considered deplorable by fellow professionals and members of the public. In the Committee's view, Ms Rogers breached fundamental duties of her registration. It was satisfied that her conduct is serious and that it amounts to misconduct.

Current impairment

29. The Committee next considered whether Ms Rogers' fitness to practise is currently impaired by reason of her misconduct and/or conviction/caution.

Misconduct

30. In relation to Ms Rogers' misconduct the Committee was of the view that whilst it is difficult to remedy her failings, namely her dishonesty, it is not impossible. It considered that Ms Rogers would need to embark on meaningful engagement with the GDC, which would include a full explanation for her limited engagement to date and show evidence of insight, remorse and steps taken to prevent recurrence.
31. The Committee considered there to be very limited evidence of how Ms Rogers has addressed the fundamental issues arising in this case or that she has reflected on the concerns raised. There was no evidence before the Committee to demonstrate any improvement in her conduct or the standards that are expected of her. The Committee considered that there appears to be limited insight in which Ms Rogers appears to accept that she should have disclosed her convictions and caution.... *"as much as I should have disclosed this to the GDC andi [sic] was extremely wrong not to..."*. She further accepted that *"I am not passing fault onto anyone my untruths have got me into this situation..."*. Whilst the Committee acknowledged these statements, it noted that Ms Rogers still attempts to shift the blame and responsibility on to others and fails to recognise the impact of her actions. For example, Ms Rogers does not consider herself to be a *'bad nurse'* or a *'danger to anyone'*. Further, in relation to Ms Rogers' failure to obtain indemnity insurance, she claimed that she thought it was the practice's responsibility and that she would be automatically indemnified.
32. The Committee was of the view that Ms Rogers' insight is lacking and that there is a lack of any reflection. There is very limited information before the Committee to suggest that she has any understanding of her duty to co-operate with the GDC in matters of significance and importance, informing her employers and the GDC of her convictions/caution, to have indemnity insurance in place and to be truthful.
33. Given its concerns regarding Ms Rogers' lack of insight and remediation, the Committee concluded that the risk of repetition was high and that her misconduct had the potential to place patients at future unwarranted risk of harm.
34. A finding of no impairment would seriously undermine public confidence in the dental profession as well as the regulatory process. The Committee has a duty to declare and uphold standards within the dental profession, and to maintain public confidence in the regulatory process itself. This kind of misconduct damages the trust and confidence of patients, for example, a legitimate expectation is that dental care professionals will ensure that patients' best interests remain at the heart of their practice.

35. Accordingly, the Committee determined that Ms Rogers' fitness to practise is currently impaired by reason of her misconduct. This finding is also required in order to protect the public and is otherwise in the public interest.

Conviction/caution

36. Ms Rogers received the following convictions and caution:

- *On 9 October 2012 you were convicted at West Lincolnshire Magistrates Court of Driving a motor vehicle with excess alcohol contrary to s.5(1)(a) Road Traffic Act 1988.*
- *On 29 September 2016 you were cautioned by Lincolnshire Police with Common Assault contrary to s.39 of Criminal Justice Act 1988.*
- *On 5 October 2017 you were convicted at Lincolnshire Magistrates Court of:*
 - a) Battery contrary to s.39 of Criminal Justice Act 1988 on 13 June 2017*
 - b) Battery contrary to s.39 of Criminal Justice Act 1988 on 10 September 2017*
 - c) Destroying or damaging property contrary to s.1(1) of Criminal Damage Act 1971 on 10 September 2017.*
- *On 31 May 2018 you were convicted at Lincolnshire Magistrates Court of Driving a motor vehicle with excess alcohol contrary to s.5(1)(a) Road Traffic Act 1988.*

37. The Committee took account of the background information provided by Ms Rogers in her correspondence with the GDC in which Ms Rogers referred to her personal circumstances at the time of the offences.

38. However, Ms Rogers has not engaged with these proceedings and has not put forward any evidence to demonstrate remediation. The Committee has seen nothing that shows that she has insight into the seriousness of her convictions and caution or the potential impact of her actions on safety to other road users or public confidence. Ms Rogers drove on public roads having consumed alcohol. She placed not only herself but other road users at risk of injury had there been an accident. In addition, Ms Rogers harmed another person and damaged property belonging to another in a series of repeated offences.

39. Given Ms Rogers very limited insight and lack of remediation, the Committee concluded that the risk of repetition was high, and Ms Rogers had the potential to place the public at future unwarranted risk of harm.

40. The Committee takes a serious view of Ms Rogers' convictions and caution. Such conduct is unbecoming of a registered dental nurse and is not how the public would expect a member of the dental profession to act.

41. Accordingly, the Committee determined that Ms Rogers' fitness to practise is currently impaired by reason of her convictions and caution. This finding is also required in order to protect the public and is otherwise in the public interest.

Sanction

42. The Committee considered what sanction, if any, to impose on Ms Rogers' registration. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect patients and the wider public interest. In reaching its decision, the Committee had regard to the GDC's '*Guidance for the Practice Committees including Indicative Sanctions Guidance*' (Effective from October 2016; last revised in December 2020). It applied the principle of proportionality, balancing the public interest with Ms Rogers' interests.

43. In deciding on the appropriate sanction, the Committee first considered the issue of mitigating and aggravating factors. The Committee considered that it was difficult to identify any mitigating factors in this case, and it noted that it did not receive any evidence in this regard from Ms Rogers. It did take into account that the GDC had not made submissions or placed any evidence of any previous fitness to practise history matters relating to Ms Rogers.

The Committee identified the following aggravating features:

- actual harm caused to the public;
- risk of financial harm to patient in her failure to have indemnity insurance;
- repeated convictions and a caution for assault, battery and, damage to property and driving with excess alcohol;
- attempt to cover up wrongdoing by not disclosing her convictions/caution to the GDC and employers;
- her misconduct was premeditated;
- potential financial gain in that she retained her position by not disclosing the full extent of her convictions/caution to her employer or the GDC;
- her actions involved a breach of the trust placed in the dental profession and in her as a dental professional;
- the misconduct was sustained or repeated over a period of time;
- Ms Rogers' lack of insight, remorse and remediation.

44. Taking all of these factors into account the Committee considered the available sanctions, starting with the least restrictive, as it is required to do. The Committee first considered whether to conclude this case without taking any action in relation to Ms Rogers' registration. It decided, however, that such a course would be wholly inappropriate, would not serve to protect the public, nor would it satisfy the wider public interest.

45. The Committee considered whether to issue Ms Rogers with a reprimand. However, it similarly concluded that a reprimand would be insufficient to protect the public and the wider public interest, and would be disproportionate in all the circumstances. A reprimand is the lowest sanction which can be applied, and it would not impose any restriction on Ms Rogers' practice. A reprimand is usually considered to be appropriate where there is no identified risk to patients or the public, and the misconduct/conviction/caution is at the lower end of the spectrum. This is not such a case.

46. The Committee next considered whether to impose conditions on Ms Rogers' registration. However, it decided that conditional registration would not address all of the concerns raised by the Committee in terms of public protection, or manage the wider public interest, particularly public confidence in the dental profession. Ms Rogers has not fully engaged with the fitness to practise process, so conditions of practice would not be workable in any event, even if it was considered that they could be imposed. The Committee also noted that Ms Rogers has indicated that she no longer wishes to practice dental nursing.
47. The Committee went on to consider whether to suspend Ms Rogers' registration for a specified period. In doing so, it had regard to the Guidance at paragraph 6.28, which outlines factors to be considered when deciding whether the sanction of suspension would be appropriate. The Committee considered that a number of the factors set out in this paragraph applied in this case, namely that:
- there is evidence of repetition of the behaviour, in that Ms Rogers' misconduct was sustained and repeated over the material time;
 - Ms Rogers has not shown insight and poses a significant risk of repeating the behaviour;
 - patients' interests would be insufficiently protected by a lesser sanction; and
 - public confidence in the profession would be insufficiently protected by a lesser sanction
 - there is evidence of a harmful deep-seated personality or professional attitudinal problems (which might make erasure the appropriate order).
48. The Committee considered, however, that whilst the suspension of Ms Rogers' registration would provide a measure of protection in terms of the potential risk to patients, the wider public interest would not be safeguarded. The Committee considered the wider public interest to be fundamental in a case such as this, involving sustained and repeated misconduct, a lack of insight, a blatant disregard for the GDC standards, serious convictions/caution and dishonesty. In view of the repeated dishonesty Ms Rogers engaged in, in a professional capacity, repeated convictions and a caution, a prolonged period in practice without indemnity, a failure to cooperate fully with her regulator and very limited insight all of which suggest deep seated and harmful professional attitudinal problems. The Committee concluded that suspension was not sufficient and proportionate.
49. Given the Committee's concerns about the risk of harm posed by Ms Rogers and given the Committee's duty to promote and maintain public confidence and proper standards in the dental profession, it considered whether the highest sanction of erasure would be a more appropriate and proportionate outcome.
50. The Committee had regard to paragraph 6.34 of the Guidance which deals with erasure. This paragraph states that, *"Erasure will be appropriate when the behaviour is fundamentally incompatible with being a dental professional: any of the following factors, or a combination of them, may point to such a conclusion:*
- *serious departure(s) from the relevant professional standards;*
 - *where serious harm to patients or other persons has occurred, either deliberately or through incompetence;*

- *where a continuing risk of serious harm to patients or other persons is identified;*
- *the abuse of a position of trust...;*
- *...;*
- *serious dishonesty, particularly where persistent or covered up; and*
- *a persistent lack of insight into the seriousness of actions or their consequences.*

51. The Committee noted that all but one of the factors from paragraph 6.34 apply in this case, which, in its view, demonstrates the seriousness of the matters concerning Ms Rogers. Taking this into account, the Committee was satisfied that her behaviour is conduct that is fundamentally incompatible with continued registration as a dental professional. The Committee considered that there would be a real loss of public confidence in the dental profession, and in the GDC as a regulator, if a lesser sanction than erasure was imposed in this case. The Committee was satisfied that a reasonable and informed member of the public would expect an outcome of erasure.

52. The Committee had regard to the potential hardship which erasure may cause Ms Rogers. It noted that Ms Rogers has no intention of practising as a dental nurse again. However in the absence of evidence of full insight and remediation, the Committee considered that no lesser sanction than an order of erasure would be sufficient to protect the public or satisfy the wider public interest considerations in this case, and the Committee concluded that Ms Rogers' interests are outweighed by the need to protect the public and satisfy the wider public interest in declaring and upholding professional standards and maintain public confidence in the profession and the regulatory process.

53. In all the circumstances, the Committee determined to erase Ms Rogers' name from the GDC Register.

54. Unless Ms Rogers exercises her right of appeal, her name will be erased from the Register, 28 days from the date when notice of this Committee's direction is deemed to have been served upon her.

55. The Committee now invites submissions from Ms Manning-Rees, as to whether an immediate order of suspension should be imposed on Ms Rogers' registration to cover the appeal period, pending this substantive determination taking effect.

Decision on an Immediate order

56. In reaching its decision on whether to impose an immediate order of suspension on Ms Rogers' registration, the Committee took account of Ms Manning-Rees' submission that such an order should be imposed. She submitted that in circumstances where public protection and public interest issues are so fundamentally engaged, an immediate order is necessary on both grounds.

57. The Committee accepted the advice of the Legal Adviser.

58. The Committee determined that it is necessary for the protection of the public, and is otherwise in the public interest to impose an immediate order of suspension on Ms Rogers' registration.
59. Ms Rogers has not engaged fully with the fitness to practise process, and there has been very limited evidence of her insight into the gravity of her behaviour. In all the circumstances, the Committee has identified a risk of harm to the public, and it is satisfied that an immediate order is necessary for the protection of the public.
60. The Committee also considered that the imposition of an immediate order is in the wider public interest. It has determined that Ms Rogers is not fit to remain on the GDC Register. The Committee considered that public confidence in the dental profession and the regulatory process would be seriously undermined in the absence of an order suspending Ms Rogers' registration immediately. It considered that it would be inconsistent not to impose an immediate order following its substantive decision of erasure and was satisfied that it was proportionate in all the circumstances.
61. The effect of the foregoing determination and this order is that Ms Rogers' registration will be suspended from the date on which notice is deemed to have been served upon her. Unless she exercises her right of appeal, the substantive direction for erasure, as already announced, will take effect 28 days from the date of deemed service.
62. Should Ms Rogers exercise her right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.
63. The interim order currently in place on Ms Rogers' registration in relation to the matters in this case is hereby revoked.
64. That concludes this determination.