

## PUBLIC HEARING

### Professional Conduct Committee Initial Hearing

2 to 3 October 2023

**Name:** BECKETT, Chloe Jade

**Registration number:** 221665

**Case number:** CAS-202829-T9T3T5

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**General Dental Council:** Gemma Hobcraft, Counsel.  
Instructed by Rochelle Williams, IHLPS

**Registrant:** Not present and unrepresented.

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**Fitness to practise:** Impaired by reason of conviction and misconduct

**Outcome:** Erased with Immediate Suspension

**Duration:** N/A

**Immediate order:** Immediate suspension order

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**Committee members:** Peter Ommer (Chair, Dentist Member)  
Kirsty Payton (DCP Member)  
Miranda Carruthers-Watt (Lay Member)

**Legal adviser:** Richard Ferry-Swainson

**Committee Secretary:** Lola Bird

**At this hearing the Committee made a determination that includes some private information. That information has been omitted from this public version of the determination, and this public document has been marked to show where private material has been removed.**

1. This is a Professional Conduct Committee hearing in respect of a case brought against Miss Beckett by the General Dental Council (GDC).
2. The hearing commenced on 2 October 2023 and is being conducted remotely by Microsoft Teams video-link.
3. Miss Beckett is not present at the hearing, and she is not represented in her absence. The Case Presenter for the GDC is Ms Gemma Hobcraft, Counsel.

### **PRELIMINARY MATTERS – 2 October 2023**

#### **Application to proceed with the hearing in the absence of the registrant**

4. At the outset, Ms Hobcraft made an application pursuant to Rule 54 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), to proceed with the hearing notwithstanding Miss Beckett's absence.
5. The Committee took account of Ms Hobcraft's submissions in respect of the application and it considered the supporting evidence provided. The Committee accepted the advice of the Legal Adviser on the issues of service and proceeding in the absence of a registrant.

#### **Decision on service**

6. The Committee first considered whether notice of the hearing had been served on Miss Beckett in accordance with Rules 13 and 65. It had sight of the Notice of Hearing dated 31 August 2023 ('the notice'), which was sent to Miss Beckett's registered address by Special Delivery and First Class post.
7. The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. However, it was provided with a Royal Mail 'Track and Trace' receipt, which confirmed that the copy of the notice sent by Special Delivery was delivered on 1 September 2023 and signed for in the printed name of 'BECKETT'.
8. The Committee further noted that on 31 August 2023, a copy of the notice was sent to Miss Beckett by email.
9. The Committee was satisfied that the notice of 31 August 2023, which was sent to Miss Beckett, complied with the 28-day notice period required by the Rules. It was also satisfied that the notice contained all the required particulars, including the date and time of the hearing, confirmation that it would be conducted remotely by video-link on Microsoft Teams, and that the Committee had the power to proceed with the hearing in Miss Beckett's absence.

10. On the basis of all the information before it, the Committee was satisfied that notice of the hearing had been served on Miss Beckett in accordance with the Rules.

Decision on whether to proceed with the hearing in the absence of the registrant

11. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Miss Beckett. It approached this issue 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 affirmed in the regulatory case of *General Medical Council v Adeogba* [2016] EWCA Civ 162.

12. The Committee remained mindful that fairness to Miss Beckett was an important consideration, however, it also bore in mind the need to be fair to the GDC and the public interest in the expeditious disposal of this case.

13. The Committee was satisfied that all reasonable efforts had been made by the GDC to notify Miss Beckett of this hearing. It took into account that a copy of the notice of 31 August 2023 was received at her registered address.

14. The Committee noted from information drawn to its attention that Miss Beckett had not engaged with the GDC in relation to these fitness to practise proceedings. She did not respond to the notice of 31 August 2023, or to subsequent emails sent to her by the Council in September 2023 to ascertain whether she would be attending this hearing. Evidence was also provided of the unsuccessful attempts made by the GDC to contact Miss Beckett, including by telephone, over the weekend before the hearing and prior to the start of these proceedings on 2 October 2023. Accordingly, there was no information before the Committee to explain her non-attendance.

15. The Committee took into account that no request for an adjournment was received from or on behalf of Miss Beckett. Indeed, there was no information before it to suggest that deferring this hearing would secure her attendance on a future date. In all the circumstances, the Committee was satisfied that her absence was voluntary, and it concluded that an adjournment would serve no meaningful purpose. The Committee had regard to the serious nature of the allegations against Miss Beckett and considered that, in the absence of any good reason for a delay, the hearing should proceed as scheduled.

16. The Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Miss Beckett.

**Rule 25 application for joinder**

17. Ms Hobcraft next made an application for joinder under Rule 25(2) of the Rules. This Rule states that:

“Where—

(a) an allegation against a respondent has been referred to a Practice Committee,

*(b) that allegation has not yet been heard, and*

*(c) a new allegation against the respondent which is of a similar kind or is founded on the same alleged facts is received by the Council,*

*the Practice Committee may consider the new allegation at the same time as the original allegation, notwithstanding that the new allegation has not been included in the notification of hearing”.*

18. It is further stated at Rule 25(3) that:

*“Where it is proposed that a new allegation should be heard by a Practice Committee under paragraph (2), they shall—*

*(a) inform the respondent of the new allegation, and the alleged facts on which it is based; and*

*(b) provide the respondent with an opportunity to make written representations on the new allegation and require any such representations to be received within the period of 28 days beginning with the date on which notification of the new allegation was sent to the respondent, or within such period as is otherwise agreed by the parties”.*

19. Miss Beckett was notified of the GDC’s intention to make an application for joinder in a letter dated 29 August 2023, which was sent to her by email.

20. The original Notice of Hearing sent to Ms Beckett contained a charge comprising of the following allegations at heads of charge 1 and 2:

1. *On 1 October 2021 you were convicted at Laganside Magistrates’ Court of the following:*

- a. Two counts of fraud by false representation.*
- b. Possession of criminal property.*
- c. Two counts of possession of articles for use in fraud.*

2. *You failed to inform the General Dental Council of:*

- a. criminal proceedings against you, from 24 February 2021, the date of your restoration onto the General Dental Council’s register, until 16 March 2022; and the above criminal convictions from 1 October 2021, until 16 March 2022.*

21. Under Rule 25(2), Ms Hobcraft applied to add new allegations in the form of heads of charge 3, 4 and 5 as follows:

3. *On or around 7 November 2020, as part of an application for restoration to the dental professional register, you ticked a box marked “Yes” and stated “2005 Possession with intent to supply”, 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 investigation which might lead to a conviction or a caution in the UK or any other country?”;*

4. *On 15 February 2021, you provided a statement of truth in support of the application for restoration to the dental professional register referred to at 3 above;*
5. *Your conduct in relation to 3 and/or 4. above was;*
  - a. *Misleading,*
  - b. *Dishonest in that you were aware of and did not declare that you were subject to further criminal proceedings following a police charging decision on 20 September 2018 in respect of the matters set out at 1. above.*

22. The matters set out at heads of charge 3 and 4 are issues that were identified by the GDC during its investigation. Ms Hobcraft submitted that the proposed new allegations related to the criminal proceedings that led to Miss Beckett's convictions, as set out at head of charge 1. She submitted that heads of charge 3 and 4 were effectively an extension of head of charge 2, which related to Miss Beckett's alleged non-disclosure of those criminal matters to the GDC.

23. Ms Hobcraft set out the chronology of events relating to Miss Beckett's registration with the Council and the criminal proceedings against her.

24. Ms Hobcraft told the Committee that Miss Beckett first registered with the GDC as a dental nurse on 26 January 2012. On 8 June 2012, she was removed from the Register for Dental Care Professionals ('the Register') for non-compliance with her Continuing Professional Development requirements.

25. On 19 September 2018, Miss Beckett was charged with the offences that led to the convictions set out at head of charge 1 above.

26. Miss Beckett applied for restoration to the Register in November 2020. As part of that application, she is alleged to have ticked a box marked "Yes" 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 investigation which might lead to a conviction or a caution in the UK or any other country?*". Miss Beckett is said to have disclosed a previous criminal conviction by stating on her application "*2005 Possession with intent to supply.*" Ms Hobcraft stated that this previous conviction did not form any part of the alleged matters before the Committee at this hearing. She stated that reference to that conviction was intended to highlight to the Committee what it was that Miss Beckett declared in response to the question concerned.

27. Ms Hobcraft submitted that, whilst Miss Beckett declared that previous conviction from 2005 on her application for restoration, she did not declare that she had been charged with criminal offences on 19 September 2018. Furthermore, Ms Hobcraft told the Committee that due to a delay in processing Miss Beckett's application for restoration, she was asked in February 2021 to provide a statement of truth in support of her original application of November 2020. Ms Hobcraft maintained that Miss Beckett again failed to disclose that she had been subject to criminal proceedings since September 2018. Ms Hobcraft stated that it was on this basis that the GDC also applied to join head of charge 5 as a new allegation.

28. Head of charge 5 alleges that Miss Beckett's conduct in respect of her application for restoration was misleading and dishonest. It is the GDC's case that Miss Beckett had a number of opportunities when she could, and should, have informed the Council about the then ongoing criminal proceedings against her.

29. It was Ms Hobcraft's submission that the procedural requirements of Rules 25(2) and the notice requirements of 25(3) had been met. She submitted that it was important for the Committee to be aware of the full picture concerning this case when determining matters in the public interest. She submitted that it would be artificial for heads of charge 1 and 2 to be dealt with separately. Therefore, heads of charge 3, 4 and 5 should be joined to those original allegations and be heard together at this hearing.

#### Decision on the application for joinder

30. In reaching its decision, the Committee took account of Ms Hobcraft's submissions. It heard and accepted the advice of the Legal Adviser in relation to joinder.

31. The Committee first satisfied itself that Miss Beckett had been properly notified of the GDC's intention to make an application for joinder, as required by Rule 25(3). The Committee noted that the Rule 25 notice letter, dated 29 August 2023, which was sent to Miss Beckett, set out the proposed new allegations (heads of charge 3, 4 and 5), and invited her to make representations in relation to the GDC's intended application for joinder by 26 September 2023. No such representations were received by the GDC.

32. In all the circumstances, the Committee was satisfied that Miss Beckett had been duly notified of the GDC's intention to make a Rule 25(2) application.

33. The Committee next considered the application itself. It had regard to the provisions of Rule 25(2) as set out above. It was satisfied that the requirements of Rules 25(2)(a) and (b) were met, given that allegations against Miss Beckett had been referred for its consideration, and that those allegations were yet to be heard, as the hearing was still at the preliminary stage.

34. The Committee was also satisfied that the requirement in Rule 25(2)(c) had been met. It considered that the proposed new allegations at heads of charge 3, 4 and 5 were founded on the same facts as those at heads of charge 1 and 2. In view of this, the Committee considered that it would not be appropriate or in the public interest to conduct two separate hearings in respect of the same information.

35. Accordingly, the Committee determined to accede to the GDC's application for joinder and heads of charge 1, 2, 3, 4 and 5 were consolidated into a single charge.

#### Amendment to head of charge 5(b)

36. The Committee also acceded to Ms Hobcraft's application to amend a typographical error in head of charge 5(b), to change the date '20 September 2020' to read '19 September 2020', to accurately reflect the evidence.

37. The Committee was satisfied under Rule 18 of the Rules, which deal with amendment to the charge, that the amendment to the date could be made without causing injustice.

### **FINDINGS OF FACT – 3 October 2023**

#### **Summary of the allegations**

38. As outlined in the GDC's preliminary application for joinder, this case concerns the convictions Miss Beckett received in October 2021, and her alleged failure to inform her regulatory body of the criminal proceedings in relation to those convictions, which commenced against her in September 2018.

39. The GDC maintained that under Standard 9.3 of the GDC's '*Standards for the Dental Team (Effective from September 2013)*' ('the GDC Standards'), and the associated '*Guidance on reporting criminal proceedings*', which came into force on 30 September 2013, Miss Beckett had a duty to inform the Council as soon as she was charged with a criminal offence.

40. Standard 9.3 states that:

*"You must: Inform the GDC if you are subject to criminal proceedings or a regulatory finding is made against you anywhere in the world".*

41. Whilst the '*Guidance on reporting criminal proceedings*' states that:

*"You must inform the GDC if anywhere in the world you:*

*a. are charged with a criminal offence*

*..."*

42. The guidance stipulates that the reporting must be immediate.

43. It is the GDC's case that Miss Beckett failed in her obligation under Standard 9.3 and the associated guidance. It is alleged that she did not inform the Council of the criminal proceedings that had started against her in September 2018 until March 2022, when she self-referred the matter to the GDC.

44. The GDC maintained that Miss Beckett had a number of opportunities to inform it of the criminal matters in question, including when she applied for restoration to the Register in November 2020, and in February 2021, when she provided a statement of truth in support of that application. The GDC's case is that Miss Beckett's alleged failure to make a full and correct declaration on those occasions was misleading and dishonest.

## Evidence

45. The evidence received by the Committee was wholly documentary. The Committee was given the opportunity to hear from the two witnesses who provided witness statements for the purpose of this hearing, but it was satisfied that it did not have any questions for the witnesses that would assist beyond what is included in their written evidence and exhibited documents. Both witnesses are employees of the GDC.

46. Accordingly, the evidence before the Committee at this fact-finding stage was as follows:

- Copies of the certificates of conviction and police documents in respect of Ms Beckett's criminal offences, which are the subject of this hearing.
- The witness statement of Witness 1, Caseworker in the GDC's Fitness to Practise department, dated 15 June 2023, along with associated exhibits.
- The witness statement of Witness 2, Senior Registration Officer with the GDC, dated 27 September 2023, along with associated exhibits.

## The Committee's findings on the alleged facts

47. The Committee considered all the evidence presented to it. It took account of the closing submissions made by Ms Hobcraft on behalf of the GDC. The Committee accepted the advice of the Legal Adviser.

48. The Committee considered separately each of the allegations against Miss Beckett, 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 matters are proved on the balance of probabilities. The Committee drew no adverse inferences from Miss Beckett's absence.

49. The Committee's findings are as follows:

### **Head of charge 1(a)**

*1. On 1 October 2021 you were convicted at Laganside Magistrates' Court of the following:*

*a. Two counts of fraud by false representation.*

**Found proved.**

50. The Committee had regard to Rule 57(5) of the Rules, which states that:

*"Where a respondent has been convicted of a criminal offence—*

*(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) shall be conclusive proof of the conviction; and*

*(b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.”*

51. The Committee had before it a copy of the certificate of conviction confirming that, following a guilty plea, Miss Beckett was convicted of this offence on 1 October 2021. Accordingly, it was satisfied that this allegation is proved to the requisite standard.

**Head of charge 1(b)**

*1. On 1 October 2021 you were convicted at Laganside Magistrates’ Court of the following:*

*b. Possession of criminal property.*

**Found proved.**

52. The Committee had before it a copy of the certificate of conviction confirming that, following a guilty plea, Miss Beckett was convicted of this offence on 1 October 2021. Accordingly, it was satisfied that this allegation is proved to the requisite standard.

**Head of charge 1(c)**

*1. On 1 October 2021 you were convicted at Laganside Magistrates’ Court of the following:*

*c. Two counts of possession of articles for use in fraud.*

**Found proved.**

53. The Committee had before it a copy of the certificate of conviction confirming that, following a guilty plea, Miss Beckett was convicted of this offence on 1 October 2021. Accordingly, it was satisfied that this allegation is proved to the requisite standard.

**Head of charge 2(a)**

*2. You failed to inform the General Dental Council of:*

*a. criminal proceedings against you, from 24 February 2021, the date of your restoration onto the General Dental Council’s register, until 16 March 2022;*

**Found proved.**

54. The Committee was satisfied that, in accordance with Standard 9.3 of the GDC Standards and the associated ‘*Guidance on reporting criminal proceedings*’, Miss Beckett had a duty to immediately inform the Council when she was charged with the criminal offences concerned in this case.

55. The Committee had before it the email dated 16 March 2022, in which Ms Beckett referred herself to the GDC. At that time, she had already been convicted of the offences. Ms Beckett

provided with her email an Enhanced Disclosure Certificate confirming the convictions she received in October 2021.

56. The Committee noted that by her own admission in her email of 16 March 2022, Miss Beckett had not previously notified the GDC of the criminal matters. She stated that *“I have been meaning to report this to you since January...”*.

57. The Committee was satisfied on the evidence that Miss Beckett had not notified the GDC of the criminal matters any earlier than March 2022, including in February 2021 when she was restored to the Register.

58. The Committee therefore found this head of charge proved on the balance of probabilities.

**Head of charge 2(b)**

*2. You failed to inform the General Dental Council of:*

*b. the above criminal convictions from 1 October 2021, until 16 March 2022.*

**Found proved.**

59. The Committee found this allegation proved for the same reasons given in relation to head of charge 2(a) above. It was satisfied that the first time that Miss Beckett informed the GDC of her criminal convictions was in her self-referral email dated 16 March 2022.

**Head of charge 3**

*3. On or around 7 November 2020, as part of an application for restoration to the dental professional register, you ticked a box marked “Yes” and stated “2005 Possession with intent to supply”, 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 investigation which might lead to a conviction or a caution in the UK or any other country?”*

**Found proved.**

60. The Committee had before it a copy of Miss Beckett’s application for restoration to the Register dated 7 November 2020. It noted that in the ‘Declarations’ section of that application, Miss Beckett selected a box marked “Yes” to the question concerned and included underneath the information *“2005 Possession of drugs with intent to supply”*. The Committee was therefore satisfied that this head of charge is proved.

**Head of charge 4**

*4. On 15 February 2021, you provided a statement of truth in support of the application for restoration to the dental professional register referred to at 3 above.*

**Found proved.**

61. The Committee was provided with a copy of the email dated 15 February 2021, from Miss Beckett to the GDC in which she made the statement of truth, confirming that “...*the details I have provided online and within this application are true and correct.*”. The Committee was satisfied on the basis of this evidence that this head of charge is proved.

**Head of charge 5(a)**

*5. Your conduct in relation to 3 and/or 4. above was;*

*a. Misleading,*

**Found proved in relation to heads of charge 3 and 4.**

62. Whilst Miss Beckett declared her previous conviction from 2005 in her application for restoration, she did not make any reference to the criminal proceedings that were ongoing against her at that time. Ms Beckett was undoubtedly aware that she had been formally charged with criminal offences as of 19 September 2018.

63. The Committee was satisfied that Miss Beckett’s omission in not including in her application for restoration, and her subsequent statement of truth, information about the most recent criminal proceedings against her was misleading and indeed it misled the GDC. Miss Beckett was restored to the Register without question as she answered the relevant question in a way that gave the impression that she was a person suitable for re-registration.

**Head of charge 5(b)**

*5. Your conduct in relation to 3 and/or 4. above was;*

*b. Dishonest in that you were aware of and did not declare that you were subject to further criminal proceedings following a police charging decision on 19 September 2018 in respect of the matters set out at 1. above*

**Found proved in relation to heads of charge 3 and 4.**

64. The evidence is that on 19 September 2018, Miss Beckett was charged in respect of the matters set out at head of charge 1. The Committee has found that she failed to notify the GDC of that charging decision at any time before 16 March 2022, including during the application process for restoration to the Register.

65. The Committee received no information from Miss Beckett as to why she did not declare the criminal charges before March 2022, other than a reference in her self-referral email to her having some personal difficulties around the material time. The Committee was not satisfied that this information negated Miss Beckett’s obligation to inform her regulatory body that there were ongoing criminal proceedings against her as at September 2018.

66. The Committee considered that Miss Beckett’s declaration of her previous conviction in 2005 for ‘*Possession of drugs with intent to supply*’, indicated that she was aware of the need to declare criminal matters to the GDC, and the importance of such information to the Council’s assessment of a registrant’s fitness to practise. The Committee also considered that Miss Beckett had a number of

opportunities to reflect on her position and make a full and correct declaration to the GDC, but she did not do so.

67. It was the conclusion of the Committee, having considered Miss Beckett's knowledge and belief as to the facts, that she deliberately omitted to declare the police charging decision to the GDC. The Committee was satisfied that she knew that such a declaration might have adversely affected her application for restoration to the Register.

68. The Committee was also satisfied that ordinary decent people, who were fully apprised of the proven facts in relation to Miss Beckett's non-declaration, would regard her conduct as dishonest.

69. Accordingly, head of charge 5 is proved.

### **Contact from the registrant on the afternoon of 2 October 2023**

70. At the start of the hearing, the Committee heard an application to proceed in the Registrant's absence. This was because the Registrant had not responded to the Notice of Hearing sent on 31 August 2023, nor had she responded to voicemail messages left for her on 30 September and 2 October 2023, at least not by the time the hearing started yesterday morning. Following legal advice, the Committee decided to hear the case in the absence of the Registrant.

71. The case progressed and the Committee retired just before lunch to consider Stage 1, the facts. Having made its decisions on the facts, that determination was then being drafted when news was received that the Registrant had been in contact with the GDC.

72. A telephone attendance note was provided to the Committee detailing that contact.

73. Whilst speaking with a solicitor from the GDC, Miss Beckett initially indicated a willingness to attend the hearing, but then changed her mind and indicated that she did not feel able to join for health reasons. [IN PRIVATE]. She asked if the hearing could go ahead on another date, but was not sure when she would feel well enough to attend.

74. The Committee considered this information and decided that, having made the decision to proceed in the absence of Miss Beckett, it would continue to hear the case. In reaching this decision, the Committee noted that Miss Beckett last made contact with the GDC on 16 March 2022. Since that date she has been sent a number of emails, including the Rule 25 application, the Notice of Hearing and requests for her to confirm whether she would be attending this hearing. She has also been left voicemail messages. Miss Beckett has not responded to any of this contact until her call yesterday. It was thus fair to say that her engagement with her regulator had been minimal. She has not provided any medical evidence in support of her inability to attend and she has not given any indication of when she might be able to attend, if the matter were adjourned.

75. The Committee has a responsibility to be fair to all parties and it also has to ensure that, for public interest reasons, hearings are dealt with expeditiously. There are also cost implications for the GDC to be borne in mind.

76. In all the circumstances, and given the uncertainty of when, if at all, the Registrant may be able to attend, the Committee considered the most appropriate course was to continue with this hearing. A message was conveyed to the Registrant that this was the Committee's decision and she was invited to make any written representations, if she wished to do so. Miss Beckett subsequently provided an email apologising for not being at the hearing [IN PRIVATE]. She reiterated much of what she had said in her 16 March 2022 email, relating to the convictions on 1 October 2021 and how she was led astray by a man who promised her she would not get into trouble and all she had to do was open a bank account. She added, *"I truly regret taking any part in this and it has really opened my eyes to who I can and cannot trust. I really hope this won't ruin my registration as a professional Dental Nurse, as I love my career and love working with people. I can guarantee I will never be involved in anything of the sort again."*

The hearing moves to Stage Two.

### **Stage Two of the hearing – 3 October 2023**

77. The Committee's task at this second stage of the hearing has been to consider whether, in light of the facts found proved, Miss Beckett's fitness to practise is currently impaired by reason of conviction and/or misconduct. The matters of alleged misconduct in this case are those found proved at heads of charge 2 to 5, which relate to Miss Beckett's non-disclosure to the GDC of the criminal proceedings that led to her convictions.

78. The Committee noted that if it found current impairment on either or both of the statutory grounds of conviction and misconduct, it would need to consider what sanction, if any, to impose on Miss Beckett's registration.

79. The Committee considered all the evidence presented to it at the fact-finding stage and at this stage. The evidence received by the Committee at this stage was information relating to Miss Beckett's fitness to practise history provided by the GDC.

80. Miss Beckett is neither present nor represented at this hearing, and the Committee received no material or written submissions from her, or on her behalf, in respect of this stage of the hearing, other than the email referred to at paragraph 76 above, in which she regretted taking part in the fraud and she hoped it would not ruin her registration as a dental nurse.

81. The Committee took account of the submissions made by Ms Gemma Hobcraft, Counsel for the GDC, in relation to misconduct, impairment and sanction.

82. The Committee accepted the advice of the Legal Adviser. It reminded itself that its decisions were for its independent judgement. There is no burden or standard of proof at this stage of the proceedings.

### **Summary of the facts found proved.**

83. Miss Beckett first registered with the GDC as a dental nurse in January 2012. Following her removal from the Register for Dental Care Professionals ('the Register') in June 2012 for non-

compliance with her Continuing Professional Development requirements, she successfully applied for restoration, which was granted in February 2021.

84. On 1 October 2021 Miss Beckett was convicted at Laganside Magistrates' Court of the following criminal offences:

- Two counts of fraud by false representation.
- Possession of criminal property.
- Two counts of possession of articles for use in fraud.

85. From 24 February 2021, the date of Miss Beckett's restoration onto the Register, until 16 March 2022, Miss Beckett failed to inform the GDC of the criminal proceedings which led to the above criminal convictions. Those criminal proceedings had commenced in September 2018, and it was not until 16 March 2022, some months after she had already been convicted, that Miss Beckett referred herself to the GDC.

86. A review of Miss Beckett's application for restoration to the Register, dated 7 November 2020, revealed that she had ticked a box marked "Yes" and stated "*2005 Possession with intent to supply*" 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 investigation which might lead to a conviction or a caution in the UK or any other country?*".

87. Miss Beckett made no reference in her application for restoration in November 2020 or in the statement of truth she sent to the GDC in February 2021 in support of her application, to the criminal proceedings that were ongoing against her at the time. This was despite having been formally charged with the criminal offences in question on 19 September 2018.

88. The Committee found that Miss Beckett's failure to notify the GDC during the restoration application process of the most recent criminal matters against her was misleading and dishonest. Her omission gave the GDC the impression that she was a person suitable for re-registration. The Committee was satisfied that she deliberately withheld the fact of the criminal proceedings from the Council as she knew that it might adversely affect her application.

#### Summary of the submissions made on behalf of the GDC

89. In accordance with Rule 20(1)(a) of the Rules, Ms Hobcraft addressed the Committee on Miss Beckett's fitness to practise history. She referred the Committee to a Professional Conduct Committee (PCC) determination made in respect of Miss Beckett at a fitness to practise hearing in July 2015.

90. At that previous PCC hearing, Miss Beckett, who was present and represented on that occasion, admitted a number of allegations concerning convictions she had received in May 2007 for the possession of a controlled drug of Class A and a controlled drug of Class B.

91. That PCC made further findings in relation to an inaccurate declaration that Miss Beckett had made in her application for registration with the GDC in September 2011, that she had not been convicted of a criminal offence. Whilst the PCC in July 2015 found that Miss Beckett's conduct in

this regard had been misleading, it did not find that she had been dishonest. That Committee found that Miss Beckett had misunderstood her disclosure obligations when filling in her application for registration.

92. In addressing the Committee in respect of this current case against Miss Beckett, Ms Hobcraft submitted that the statutory ground of impairment by reason of conviction is made out by the fact of the convictions she received in October 2021.

93. In relation to the issue of misconduct, Ms Hobcraft outlined the relevant case law which, she said, make clear that misconduct must be a serious falling short of the standards expected of a registered dental professional. She also highlighted from the legal principles that misconduct can relate to behaviour that does not occur within the carrying out of a person's professional practice.

94. Ms Hobcraft submitted that dishonesty will always be regarded as serious, as honesty and integrity are fundamental tenets of the dental profession. She stated that the Committee's finding that Miss Beckett completed her application for restoration dishonestly, represented a significant breach of the GDC Standards, in particular, Standards 9.3, 9.3.1 and the allied 'Guidance on reporting criminal proceedings'. Ms Hobcraft submitted that facts found proved by the Committee at heads of charge 2 to 5 should result in a finding on the statutory ground of misconduct.

95. In relation to impairment, Ms Hobcraft submitted that the key points to note, are that despite Miss Beckett's self-referral to the GDC in March 2022, she has not engaged fully with the allegations, which have now been found proved. Ms Hobcraft submitted that, as a consequence, there is very little information before the Committee from Miss Beckett regarding the background to her offending.

96. Similarly, Ms Hobcraft submitted there has been little explanation from Miss Beckett as to the reason for the delay in informing the GDC about the criminal proceedings that were ongoing against her at the material times. Ms Hobcraft submitted that the explanation that Miss Beckett has put forward, which relates to personal circumstances, offers little by way of mitigation and does not cover the whole of the material period from her application to restoration.

97. Ms Hobcraft highlighted that Miss Beckett's self-referral to the GDC in March 2022 was some 5 ½ months after she had been convicted and a significant period of time after she had been restored to the Register. Ms Hobcraft submitted that given Miss Beckett had been subject to previous fitness to practise proceedings relating to similar matters, she should have been on high alert regarding her disclosure obligations and more aware of the importance of disclosing such matters to her regulatory body.

98. It was Ms Hobcraft's submission that dishonesty is difficult to remedy. She added that there is scant evidence in this case of any remediation or any insight on Miss Beckett's part. Ms Hobcraft submitted that the evidence before the Committee indicates a repeated pattern of Miss Beckett's treatment of declaring information to the GDC. Ms Hobcraft referred to paragraphs 5 and 6 of Appendix A to the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (Effective from October 2016; last revised in December 2020)*' ('the ISG Guidance'). These paragraphs states as follows:

5. *A failure to inform the GDC of a conviction or caution, or declare one at the point of application for registration is considered very serious. This is because a registrant's character and conduct since the offence are important issues in the context of assessing their ongoing fitness to practise. Disclosure of such information, therefore, provides a useful factual basis on which to assess whether the offence(s) were indicative of attitudes or personal characteristics which are fundamentally incompatible with professional registration due to the risk they present to the public or the wider public interest.*

6. *The Registrar must be able to carry out their function of scrutiny effectively, including consideration of the implications of any convictions or cautions on an applicant or registrant's suitability to be on the register. If a registrant fails to disclose a conviction or caution at the point of registration or, if already registered, at any point after receiving it, it strikes at the very heart of the registration process and the reliability and integrity of the register i.e. to ensure that only fit and proper persons are registered as dental professionals. Therefore, a failure to disclose a conviction or caution may not only impact on the protection of the public, but it may also undermine the public's confidence in the profession and its regulation. Such a failure may also give rise to other allegations of misconduct such as dishonesty or a lack of integrity on part of the Registrant, which might further raise the seriousness of the misconduct alleged.*

99. Ms Hobcraft further submitted the matter of Miss Becketts convictions raises a concern about how she conducts her private life. Ms Hobcraft asked the Committee to note the evidence Miss Beckett gave to the PCC in July 2015 about her convictions in May 2007, saying that they occurred during a time in her life when she was mixing with "*the wrong crowd*", and that she had since made significant positive changes and improvements to her life. Ms Hobcraft submitted that it was apparent from Miss Becketts further convictions in October 2021 that she has difficulty ensuring that she does not associate with people who will involve her in criminal activity.

100. Ms Hobcraft submitted that, in all the circumstances, a finding of current impairment is required in this case in the wider public interest on the basis of Miss Beckett's convictions, which also involve dishonesty, and her failure to declare the criminal matters to her regulator. Ms Hobcraft submitted that public confidence in the dental profession would be seriously undermined if impairment is not found. She also submitted that such a finding is required to uphold proper professional standards.

101. With regard to sanction, Ms Hobcraft submitted that the GDC's position was that the only appropriate and proportionate sanction is one of erasure. She submitted that this case involves multi-faceted dishonest conduct by Miss Beckett that is incompatible with continued registration as a dental professional.

#### Decision on misconduct

102. The Committee first considered whether the facts found proved at heads of charge 2 to 5 amount to misconduct. It took into account that a finding of misconduct in the regulatory context requires a serious falling short of the professional standards expected of a registered dental professional. The Committee had regard to the GDC Standards and considered the following standards to be engaged in this case:

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 Inform the GDC if you are subject to criminal proceedings or a regulatory finding is made against you anywhere in the world.

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.

103. The Committee considered the matters found proved at heads of charge 2 to 5 collectively, as it noted that they all related to Miss Beckett's non-disclosure of her then ongoing criminal proceedings.

104. The Committee found proved that on more than one occasion Miss Beckett failed to notify the GDC of the fact of the criminal proceedings against her. This included her deliberate omission of that information from her application for restoration to the Register made in November 2020, and the declaration of truth that she submitted in support of that application in February 2021.

105. The Committee was satisfied that Miss Beckett knew that if she declared such information it might adversely affect her application for restoration. Through her dishonesty she deprived the GDC of important information that it required to assess her fitness to practise.

106. Honesty and integrity are fundamental tenets of the dental profession, and the Committee was in no doubt that Miss Beckett's dishonesty represented a serious departure from the above GDC Standards and would be regarded as deplorable by fellow dental professionals.

107. Accordingly, the Committee was satisfied that the facts found proved at heads of charge 2 to 5 amount to misconduct.

#### Decision on impairment

108. The Committee next considered whether Miss Beckett's fitness to practise is currently impaired by reason of her convictions and/or her misconduct. It had regard to the over-arching objective of the GDC, which is: the protection, promotion and maintenance of the health, safety, and well-being of the public; the promotion and maintenance of public confidence in the dental profession; and the promotion and maintenance of proper professional standards and conduct for the members of the dental profession.

109. The Committee was of the view that there are no public protection issues arising from the particular circumstances of this case. Therefore, in reaching its decision on the issue of current impairment the Committee focused on the wider public interest considerations, namely the need to maintain public confidence in the dental profession and the need to declare and uphold proper professional standards.

110. The Committee first considered the matter of Miss Beckett's convictions in October 2021. It noted the serious nature of the offences that she committed, including elements of fraud. The

Committee considered that the types of offences committed by Miss Beckett, which involved dishonesty, are bound to have a significant impact on the standing of the dental profession, given that honesty and integrity are fundamental principles.

111. In assessing the likelihood of Miss Beckett repeating her offending, the Committee took into account that she expressed some remorse in her communications with the GDC about her most recent convictions. However, the Committee was not satisfied that she demonstrated any real insight into her offending behaviour. Further, she appears not to accept full responsibility for her own actions, but instead maintains that she found herself involved in the criminal behaviour because she was duped by someone else. The Committee also took into account Miss Beckett's fitness to practise history that included findings in relation to previous conviction in May 2007. Despite her assurances to that Committee that she had made significant changes to her life, her case before this Committee suggests otherwise. The Committee concluded that there is a high risk of repetition in respect of Miss Beckett's criminal behaviour.

112. The Committee next considered the issue of Miss Beckett's misconduct relating to her deliberate non-disclosure of criminal proceedings to the GDC. The Committee took into account that this misconduct occurred in the context of Miss Beckett having already been reprimanded by a PCC for thematically similar behaviour. Therefore, she would have been aware of her reporting obligations to the GDC, and the importance of full and frank disclosure on her application for restoration. However, the Committee received no evidence to suggest that Miss Beckett recognises the seriousness of her wrongdoing in this regard. Furthermore, the Committee considered that her limited engagement with the GDC and its fitness to practise process since the matters in this case came to light, demonstrate an ongoing problem with Miss Beckett's attitude towards providing necessary information to her regulatory body. The Committee therefore considered that there is also a high risk of repetition in relation to Miss Beckett's misconduct.

113. Dishonesty in the context of an application for restoration to the Register impacts on the integrity of the restoration process. If potential registrants cannot be trusted to provide important and necessary information to the GDC, this would clearly undermine its regulatory function.

114. In all the circumstances, the Committee concluded that public confidence in the dental profession would be seriously undermined if a finding of impairment were not made in this case. It also decided that such a finding is required to uphold and declare proper professional standards.

115. The Committee determined that Miss Beckett's fitness to practise is currently impaired by reason of her convictions and her misconduct.

#### Decision on sanction

116. The Committee considered what sanction, if any, to impose on Miss Beckett's registration. It noted that the purpose of a sanction is not to be punitive, although it may have that effect, but to uphold the public interest. In reaching its decision, the Committee had regard to the ISG Guidance. It applied the principle of proportionality, balancing the public interest with Miss Beckett's own interests.

117. In deciding on the appropriate sanction, the Committee first considered the issue of mitigating and aggravating factors.

118. In mitigation, the Committee took into account that Miss Beckett eventually made a self-referral to the GDC in March 2022 in respect of her convictions. It identified no other mitigating factors.

119. In terms of aggravating factors, the Committee identified the following:

- That Miss Beckett had been reprimanded by a previous PCC in July 2015 for similar misconduct.
- Financial gain in that Miss Beckett would have been able to secure work as a dental nurse on account of her successful application for restoration.
- Breach of trust, in misleading of the GDC.
- The misconduct was sustained and repeated over a period of time. Miss Beckett had a number of opportunities to declare her criminal proceedings to the GDC.
- Miss Beckett attempted to cover up her criminal wrongdoing by omitting to refer to her criminal proceedings in her application for restoration.
- Miss Beckett demonstrated a blatant or wilful disregard of the role of the GDC and the systems regulating the profession.
- Lack of insight and any meaningful engagement with the GDC regarding the matters in this case.

120. Taking all of the above factors into account, the Committee considered the available sanctions, starting with the least restrictive, as it is required to do.

121. The Committee first considered whether to conclude this case without taking any action in relation to Miss Beckett's registration. It decided, however, that such a course would not serve to uphold the wider public interest, given the serious nature of Miss Beckett's convictions and her misconduct, both of which involved dishonest conduct.

122. The Committee reached the same conclusion in respect of a reprimand. It had regard to the relevant paragraphs of the ISG Guidance at 6.7 to 6.9. However, given the serious nature of Miss Beckett's convictions and her misconduct, the identified risk of repetition and her ongoing lack of engagement, the Committee concluded that a reprimand would not be appropriate or proportionate to address the wider public interest considerations in this case, particularly public confidence in the dental profession. The Committee also took into account that Miss Beckett was reprimanded by the PCC in July 2015, and this did not prevent the repetition of similar concerns in this case.

123. In relation to a conditions of practice order, the Committee decided that there are no workable or appropriate conditions that would address its concerns in relation to Miss Beckett, which relate to her honesty and integrity and are therefore attitudinal in nature. No concerns have been raised in this case about Miss Beckett's clinical practice as a dental nurse, which might make the consideration of conditions relevant. The Committee also took into account that she has not meaningfully engaged with this process and therefore it was not reassured that she would comply with conditions even if

they could be formulated. Accordingly, the Committee decided that conditional registration would not be proportionate or sufficient to safeguard the wider public interest.

124. The Committee next considered whether to suspend Miss Beckett's registration for a specified period. It had regard to the ISG Guidance at paragraph 6.28, which sets out the factors to be considered when deciding whether the sanction of suspension would be appropriate. In relation to a suspension, the Committee considered the relevant factors engaged in this case to be as follows:

- there is evidence of repetition of the behaviour;
- the Registrant has not shown insight and/or poses a significant risk of repeating the behaviour; and
- public confidence in the profession would be insufficiently protected by a lesser sanction.

125. Whilst the Committee noted the presence of the above factors from paragraph 6.28 in the circumstances of this case, it also took into account that this paragraph indicates that a period of suspension may be appropriate where "*there is no evidence of harmful deep-seated personality or professional attitudinal problems (which might make erasure the appropriate order)*".

126. In view of the Committee's ongoing concerns about Miss Beckett's honesty and integrity, the Committee seriously questioned what purpose a period of suspension would serve. The events in this case, which include Miss Beckett's convictions for serious offences including fraud, occurred after she had given certain assurances to the PCC in July 2015 and been reprimanded. This Committee considered that she has had ample time following those proceedings some years ago to reflect on what brought her before her regulatory body and to take steps to guard against repetition.

127. It was the view of the Committee, when considering the facts found proved in this case, together with Miss Beckett's fitness to practise history for thematically similar concerns, and her ongoing limited engagement with her regulatory body, that there is evidence to suggest that Miss Beckett has a harmful deep-seated personal or professional attitudinal problem. In the light of this, the Committee had regard to paragraph 6.34 of the ISG Guidance which deals with the sanction of erasure.

128. The Committee noted that a number of the factors for erasure are present in this case, namely:

- serious departure(s) from the relevant professional standards;
- serious dishonesty, particularly where persistent or covered up; and
- a persistent lack of insight into the seriousness of actions or their consequences, which is emphasised by the fact of Miss Beckett's fitness to practise history in relation to similar concerns.

129. The Committee also took into account the serious breach of trust placed in Miss Beckett by the GDC as her regulatory body by failing to declare information that she knew was highly pertinent to its assessment of her suitability for restoration.

130. In view of the nature and seriousness of Miss Beckett's convictions and her misconduct, and the absence of any real evidence of insight or remediation, the Committee concluded that her behaviour as demonstrated in this case is fundamentally incompatible with continued registration. The Committee considered that the sanction of suspension would not be sufficient in all the circumstances of this case to maintain public confidence in the dental profession or to uphold proper professional standards.

131. Accordingly, the Committee determined that the only appropriate and proportionate sanction is that of erasure.

132. Unless Miss Beckett 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.

133. The Committee now invites submissions from Ms Hobcraft as to whether an immediate order of suspension should be imposed on Miss Beckett's registration to cover the 28-day appeal period, pending its substantive determination for erasure taking effect.

#### **Decision on an immediate order – 3 October 2023**

134. In reaching its decision on whether to impose an immediate order of suspension on Miss Beckett's registration, the Committee took account of the submission made by Ms Hobcraft that such an order should be imposed. The Committee accepted the advice of the Legal Adviser.

135. The Committee was satisfied that the imposition of an immediate order of suspension on Miss Beckett's registration is otherwise in the public interest.

136. The Committee has determined that Miss Beckett's behaviour, as highlighted in this case, is fundamentally incompatible with continued GDC registration. Therefore, the Committee considered that public confidence in the dental profession and this regulatory process would be seriously undermined in the absence of an order suspending her registration immediately. The Committee was also satisfied that an immediate order is required to promote and maintain proper professional standards and public confidence in the dental profession, given the serious nature of the matters that have led to Miss Beckett's impairment.

137. The effect of the foregoing substantive determination and this order is that Miss Beckett's registration will be suspended to cover the appeal period. Unless she exercises her right of appeal, the substantive direction for erasure, will take effect 28 days from the date of deemed service.

138. Should Miss Beckett exercise her right of appeal, this immediate order will remain in place until the resolution of any appeal.

That concludes this determination.

