

HEARING HELD IN PUBLIC

Professional Conduct Committee Review Hearing

9 April 2026

Name: MCMURRAY, James

Registration number: 277023

Case number: CAS-198067-X7M0J1

General Dental Council: Katherine Higgs, Counsel
Instructed by Naila Hadid, IHLPS

Registrant: Not Present
Not Represented at the hearing
Legal Representative: James Doake, MDDUS

Fitness to practise: Impaired by reason of misconduct and deficient professional performance

Outcome: Suspended indefinitely

Committee members: Clive Powell (Chair, Lay Member)
Donna Lightbody (Dental Care Professional Member)
Robin Barber (Dentist Member)

Legal Adviser: Mark Sullivan

Committee Secretary: Lola Bird

1. This is a resumed hearing before the Professional Conduct Committee (PCC), pursuant to section 27C of the *Dentists Act 1984 (as amended)* ('the Act').
2. The hearing is being conducted remotely by Microsoft Teams.
3. The purpose of the hearing has been for the Committee to review a substantive order of suspension currently in place on Mr McMurray's registration.
4. Mr McMurray is not present at these proceedings, and he is not represented in his absence. The Case Presenter for the General Dental Council (GDC) is Ms Katherine Higgs, Counsel.

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

5. At the outset, Ms Higgs made an application under Rule 54 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), to proceed with the hearing notwithstanding Mr McMurray's absence.
6. Ms Higgs drew the Committee's attention to the relevant documents on service and submitted that Mr McMurray had been notified of this hearing in accordance with the Rules.
7. In submitting that the hearing should proceed in Mr McMurray's absence, Ms Higgs highlighted that he had confirmed by way of an email dated 25 March 2026 that he would not be attending today. Ms Higgs submitted that Mr McMurray had effectively voluntarily absented himself, and she asked the Committee to note that he has previously failed to attend all the other proceedings in respect of this matter. It was Ms Higgs' submission that there was nothing before the Committee to suggest that Mr McMurray would attend in future if today's hearing was adjourned.
8. The Committee took account of Ms Higgs' submissions, and the supporting documentation she drew to its attention. The Committee accepted the advice of the Legal Adviser in relation to the issues of service and proceeding with a hearing in the absence of a registrant.

Decision on service

9. The Committee considered whether notice of the hearing had been served on Mr McMurray in accordance with Rules 28 and 65 of the Rules and section 50A of the Act.
10. The Committee had before it a copy of the Notice of Hearing, dated 5 March 2026 ('the notice'), which was sent to Mr McMurray's registered address by Special Delivery and First Class post. 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, the Committee was provided with a Royal Mail 'Track and Trace' receipt, which confirmed that the copy of the notice sent to Mr McMurray by Special Delivery was delivered on 7 March 2026 and signed for in the printed name of 'MCMURRAY'.
11. The Committee also noted that on 5 March 2026, copies of the notice were sent to Mr McMurray and to his legal representative at the Medical and Dental Defence Union of Scotland (MDDUS) by way of attachments within secure emails, and there is evidence that both attachments

were downloaded. The Committee further noted that Mr McMurray corresponded with the GDC regarding this hearing by email on 25 March 2026.

12. The Committee was satisfied that the notice sent to Mr McMurray and his legal representative complied with the 28-day notice period required by the Rules. It was further satisfied that the notice contained all the required particulars, including the date and time of the hearing, and that it was intended that the hearing would take place remotely by Microsoft Teams video-link. Mr McMurray was also advised in the notice that the Committee had the power to proceed with the hearing in his absence.

13. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Mr McMurray in accordance with the Rules and the Act.

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

14. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr McMurray. 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* [2002] UKHL 5, and as affirmed in subsequent regulatory cases.

15. The Committee bore in mind that fairness to Mr McMurray is an important consideration. It was also mindful of the need to be fair to the GDC, and of the public interest in the expeditious review of the suspension order currently in place on Mr McMurray's registration.

16. The Committee was satisfied that all reasonable efforts had been made by the GDC to notify Mr McMurray of the hearing and that he is aware of today's proceedings. It noted that in his email to the GDC dated 25 March 2026, Mr McMurray stated, "*Thank you for your email. I will not be attending this hearing on 9th April*".

17. It was the view of the Committee, having considered the email from Mr McMurray, that there would be no benefit to adjourning today's hearing. It took into account that neither Mr McMurray, nor his legal representative requested an adjournment, and no information has been provided to suggest that deferring the hearing would secure Mr McMurray's attendance on a future date. The Committee noted that he did not attend any of the previous PCC hearings of this case. It was satisfied that his absence from today's resumed hearing is voluntary.

18. The Committee took into account that it had a duty to review the suspension order currently in place on Mr McMurray's registration, which is due to expire on 9 May 2026. It considered that without good reason for an adjournment, today's hearing should go ahead as scheduled. It was satisfied that it was reasonable and in the public interest to proceed with the hearing in the absence of Mr McMurray.

Summary of the case background

19. Mr McMurray's case was first considered by a PCC at a hearing in October 2023. He neither attended nor was represented at that hearing. The background to the case was that in May 2021,

the GDC received information from the Associate Postgraduate Dental Dean at NHS Education for Scotland (NES) and the Vocational Training National Lead for Scotland. Concerns were raised about Mr McMurray failing to complete his Vocational Training to a satisfactory standard.

20. The initial PCC found proved allegations that Mr McMurray had:

- Failed to provide an adequate standard of care to patients in that he did not adequately remove caries in respect of three patients.
- Did not adequately use a matrix strip to separate patients' teeth in respect of two patients.
- Did not use an intra oral finger rest when carrying out treatment.
- Failed to follow radiographic IR(ME)R 2017 guidelines, in that he inaccurately graded a radiograph and also took a radiograph of the wrong tooth.
- Did not give a clear indication of the treatment required to a patient.
- On a number of occasions provided an inadequate standard of cross infection control, which included touching a plug socket and not changing his gloves and also scratching his ear and then placing his hand in the patient's mouth.
- Did not correctly chart the presence of retained roots.
- Did not update or discuss patients' medical histories.
- Did not make meaningful progress with a 14-year-old patient's root canal treatment.
- Used a 3-in-1 syringe to blow air into an extraction site.

21. The initial PCC found that these failings fell far below the standards expected and amounted to misconduct and constituted deficient professional performance (DPP). With regard to impairment, that Committee had concerns about Mr McMurray's level of insight into the clinical failings and that insufficient remediation had been undertaken.

22. The initial PCC concluded that the risk of repetition was high and that Mr McMurray's misconduct and DPP had the potential to place patients at future unwarranted risk of harm. Furthermore, it was determined that a finding of no impairment would seriously undermine public confidence in the dental profession as well as the regulatory process. Accordingly, that Committee determined that Mr McMurray's fitness to practise was currently impaired by reason of his misconduct and DPP on the grounds of public protection and the public interest.

23. That PCC in 2023 directed that Mr McMurray's name should be suspended from the Dentists Register for a period of six months, with a review to take place before the expiry of the suspension

order. That Committee determined that although the proven facts were capable of being remedied by way of conditions, conditions were inappropriate given that Mr McMurray lacked the basic necessary knowledge and experience required of a qualified dentist and that he demonstrated limited insight. Furthermore, that Committee noted Mr McMurray's stated intention to leave the dental profession.

24. The initial PCC was of the view that a period of six months would allow Mr McMurray to engage with his remediation by way of further learning and to demonstrate to a reviewing Panel that he had the requisite level of insight. It considered that a reviewing Committee may be assisted by receiving the following evidence from Mr McMurray:

- His engagement with the process and attendance at the next review hearing.
- A reflective piece addressing and demonstrating insight into the areas of deficiency in Mr McMurray's practice as found proved.
- Any steps taken by him to remedy the deficiencies in his practice, including any evidence of training, CPD or other remedial actions, testimonials and references.
- A structured Personal Development Plan which addresses the shortcomings identified at this hearing.

First resumed hearing – March 2024

25. The suspension order imposed on Mr McMurray's registration was reviewed by a PCC at a hearing on 28 March 2024. The hearing took place on the papers with neither the GDC nor Mr McMurray present. That Committee noted that there had been no change in the circumstances of Mr McMurray's case since the conclusion of the initial PCC hearing. Mr McMurray had confirmed, via his legal representatives, that he had disengaged from the proceedings. Therefore, in the absence of any evidence of remediation or insight from Mr McMurray, the reviewing Committee in March 2024 determined that his fitness to practise remained impaired by reason of misconduct and DPP on both public protection and wider public interest grounds.

26. That Committee determined to extend the suspension order in place on Mr McMurray's registration by a period of 12 months, with a review hearing to take place before the expiry of that period. The Committee in March 2024 re-iterated the recommendations made by the initial PCC in respect of evidence that a future reviewing Committee may find helpful when reviewing the case.

Second resumed hearing – March 2025

27. The suspension order was further reviewed by a PCC at a hearing on 28 March 2025. That hearing took place on the papers with neither the GDC nor Mr McMurray present. The Committee again noted that there had been no material change in the case since the conclusion of the previous resumed hearing in March 2024.

28. The reviewing Committee in March 2025 noted that, as the matters in the case related solely to clinical failings, they were remediable. However, it noted that Mr McMurray had not provided any evidence of insight into “the serious and wide-ranging failings” or any remediation evidence. Furthermore, that Committee noted that he had effectively disengaged from the proceedings and that he intended to voluntarily remove himself from the Dentists Register. The Committee in March 2025 determined that Mr McMurray’s fitness to practise remained impaired by reason of his misconduct and DPP on both public protection and wider public interest grounds.

29. That Committee determined that a further period of suspension was appropriate and proportionate. It decided to extend the suspension order on Mr McMurray’s registration for the maximum period of 12 months, with another review hearing to be held before the expiry of the order.

Today’s resumed hearing

30. This is the third review of the substantive order of suspension first imposed on Mr McMurray’s registration in October 2023. In comprehensively reviewing the order today, the Committee considered all the evidence provided. It took account of the submissions made by Ms Higgs on behalf of the GDC.

31. Ms Higgs reminded the Committee that, at this review, there is a persuasive burden on Mr McMurray to demonstrate that he has addressed his impairment. Ms Higgs stated that, as the Committee is aware, Mr McMurray has not engaged at all with this process and, as such, there is no evidence from him of any remediation. Ms Higgs submitted that there remains no change in the circumstances of this case or the level of risk present. In light of this, she submitted that the Committee could properly find that Mr McMurray’s fitness to practise remains impaired by reason of his misconduct and DPP on the grounds of public protection, and in the wider public interest, to maintain public confidence in the dental profession and the regulatory process.

32. Ms Higgs submitted that in reaching its decision on sanction, the Committee would need to balance the public interest with Mr McMurray’s interests. She drew the Committee’s attention to the options available to it at this review, as set out under section 27C(1) of the Act. She also referred the Committee to relevant case law regarding the issues of insight, remediation and non-attendance by a registrant.

33. Ms Higgs submitted that Mr McMurray has had a number of opportunities to engage with this process. She stated that in terms of moving forward, it would not be appropriate to further extend the current suspension order. She submitted that continuing to hold review hearings in respect of this matter would take up valuable time. It was Ms Higgs’ submission that the appropriate sanction at this review would be one of indefinite suspension. She submitted that if Mr McMurray does decide in future that he wishes to fully engage with these proceedings, he can apply for a review at the relevant time.

The Committee's decisions

34. In reaching its decisions, the Committee accepted the advice of the Legal Adviser in relation to its powers under section 27(C)(1), the approach it should take in conducting its review and the applicable legal principles and guidance.

35. The Committee exercised its independent judgement. It bore in mind the overarching 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. The Committee also had regard to the GDC's '*Fitness to Practise: Guidance for the practice committees (Effective from 6 January 2026)*' ('the Guidance').

Decision on current impairment

36. The Committee took into account that the persuasive burden rests with Mr McMurray to show that he has addressed his impairment. It noted that the clinical failings originally found proved were serious, and in basic and fundamental aspects of dentistry.

37. The information before the Committee today is that Mr McMurray's lack of meaningful engagement with the fitness to practise process has continued. Consequently, there remains no evidence of insight or remediation from him in respect of his misconduct and DPP. The indication is that he has completely disengaged from these proceedings.

38. It was the view of the Committee, given that there has been no material change in the circumstances of this case since the initial PCC hearing in October 2023, that there would be a risk of harm to patients if Mr McMurray were permitted to return to unrestricted practice. The Committee also considered that public confidence in the dental profession would be seriously undermined if a finding of impairment were not made in the context of this case. It further bore in mind the need to maintain and uphold proper professional standards.

39. Accordingly, the Committee determined that Mr McMurray's fitness to practise remains impaired by reason of his misconduct and DPP on both public protection and wider public interest grounds.

Decision on sanction

40. The Committee next considered what action to take in respect of Mr McMurray's registration. It had regard to section 27C(1) of the Act, which sets out the options available to it at this review. The Committee also took account of the Guidance. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect the public and the wider public interest. The Committee applied the principle of proportionality, balancing the public interest with Mr McMurray's own interests.

41. Mr McMurray has not engaged at all with the fitness to practise process, and as such, there continues to be no evidence of insight or remediation in relation to the misconduct and DPP matters found proved in October 2023. In these circumstances, the Committee determined that it would be

wholly inappropriate to terminate the current suspension order or to allow it to lapse. The Committee considered that such courses would not protect the public, nor would they uphold the wider public interest.

42. The Committee considered that Mr McMurray's clinical failings, although serious, are potentially remediable. However, the Committee concluded that a period of conditional registration would not be appropriate or proportionate, given Mr McMurray's lack of meaningful engagement with the GDC's processes. It did not consider that there would be any value in imposing conditions, and it was not confident that Mr McMurray would comply with any conditions imposed. The Committee therefore decided that a conditions of practice order would not be workable or sufficient to protect the public and the wider public interest.

43. The Committee next considered whether to suspend Mr McMurray's registration for a further specified period. In doing so, it took into account that extending the current order, which it could do for up to a maximum of 12 months, would continue to protect the public. The Committee also took into account that a further specified period of suspension would give Mr McMurray a further opportunity to meaningfully engage with the GDC and to provide evidence of how he is addressing his misconduct and DPP. However, the Committee considered that the prospect of this occurring is very low. Mr McMurray has not engaged with any of the PCC hearings held in respect of this case, and he has been consistent in stating his intention to leave the dental profession. In view of this, the Committee concluded that an extension of the current order of suspension would not serve the public interest, in particular, the need to maintain public confidence in the dental profession and the regulatory process.

44. In all the circumstances, the Committee determined that it was appropriate and proportionate to indefinitely suspend Mr McMurray's registration. In reaching its decision, the Committee was satisfied that the public interest outweighs his own interests in this case. It considered that the onus should now rest with him to contact the GDC should he change his mind and be willing to engage with its processes.

45. Accordingly, the Committee directs the indefinite suspension of Mr McMurray's registration in accordance with section 27C(1)(d) of the Act. In making this direction, the Committee was satisfied that the criteria for imposing an indefinite suspension are met.

46. Mr McMurray will have 28 days from the date that notice of this direction is deemed to have been served upon him to appeal the Committee's decision. In the event that he does exercise his right of appeal, the suspension order currently in place on his registration will remain in force until the resolution of the appeal.

47. That concludes this determination.