

HEARING HEARD IN PUBLIC

**ISMAEL, Abdul Rezak
PROFESSIONAL CONDUCT COMMITTEE
NOVEMBER 2010 – JANUARY 2019**
Registration No: 74150**

Most recent outcome: Suspension indefinitely

**see page 24 for the latest determination

Abdul Rezak Ismael, BChD W Cape South Africa 1978, was summoned to appear before the Professional Conduct Committee on the 30 November 2010 for inquiry into the following charge¹:

“That, being a registered dentist:

1. At all material times you practised as the principal dental surgeon at the Pytchley Court Dental Practice, 8 Pytchley Court, Corby NN1 2QD (“the Practice”).
2. For a period of approximately 6 weeks from 10 July 2008, you left the Practice under the control of general dental practitioner Mr F when:
 - a) Mr F was a recently qualified dental practitioner;
 - b) Mr F’s employment at the Practice had commenced on 7 July 2008;
 - c) Mr F had not practised as a dentist in the United Kingdom prior to 7 July 2008;
 - d) you had not provided Mr F with adequate instruction as to practice in the United Kingdom, practice in the National Health Service, or practice management.
3. After your return from the period away from the Practice described at paragraph 2 above:
 - a) in late August 2008 or early September 2008, you told Mr F not to waste time polishing composites, as the Practice was a National Health Service surgery;
 - b) in about September 2008, when Mr F was looking for the right shade of composite to fill a patient’s tooth, you gave Mr F composite to use which was past its expiry date;
 - c) in about mid-September 2008, you told Mr F to provide treatments to patients which could be carried out at a single appointment at more than one appointment;
 - d) you told Mr F to claim the cost of one set of dentures twice from the National Health Service.

¹ Please note that the amended version of the charges has been used in this document due to the language used. The original version was used in the hearing

4. On 17 November 2008, in the presence of patients and staff at the Practice, you verbally abused Mr F by:
 - a) shouting at him, including calling him “a bastard” and “an animal”, and swearing at him;
 - b) in the presence of Mr F, saying to a patient words to the effect that Mr F was a “bloody [obscenity] guy from Germany, had only 7 months experience and had been experimenting on British patients just, like his ancestors”;
 - c) shouting abuse at him from out of a window at the Practice as he walked to his parked car.
5. On various dates between July 2006 and October 2008, in the hearing or presence of patients and other members of staff, you:
 - a) engaged in heated arguments, which included swearing, over the telephone with your wife;
 - b) shouted at each of the following members of staff:
 - (i) [Redacted];
 - (ii) [Redacted];
 - (iii) [Redacted];
 - (iv) [Redacted];
 - (v) [Redacted];
 - (vi) [Redacted];
 - (vii) [Redacted];
 - (viii) [Redacted];
6. On a date between July to November 2006, when a nervous female patient said “ouch” when you commenced drilling, you:
 - a) told the patient that you would not put up with it;
 - b) told the patient to get out of your surgery;
 - c) left the surgery.
7. On or about 15 January 2007, during the course of providing treatment to Patient A (identified in the attached Schedule²), you told Patient A:
 - a) that she was a “cheeky woman”;
 - b) that you did not want to treat her;
 - c) that she had to leave your surgery.
8. In around February 2007, when Patient B (identified in the attached Schedule) informed you that the dentures you were fitting for her were too big and did not fit, you:
 - a) told Patient B that she was a “cheeky woman”;

² The Schedule is a private document which cannot be disclosed

- b) asked Patient B what she expected from National Health Service dentures.
- 9. In September or October 2008, you followed a female person out of the Practice and:
 - a) shouted at her to get back as you had not told her she could leave;
 - b) took hold of her collar when she started to walk away;
 - c) took her mobile telephone from her, threw the mobile telephone against a wall and stamped on it;
 - d) when the person got into a car to leave, banged upon the windows of the car.
- 10. Despite repeated requests from Mr F for a written contract since he started to work at the Practice on 7 July 2008, you did not provide Mr F with a written contract until 29 September 2008.
- 11. In or around November 2008, when Mr F stopped working at the Practice, you failed to settle his final invoice for services in the sum of around £3,763.05.
- 12. The conduct described at each of paragraphs 2 to 11 above was:
 - a) unprofessional;
 - b) inappropriate.
- 13. Further, the conduct described at each of the paragraphs 2 to 8 above was not in the best interests of patients.

And that, in relation to the facts alleged, your fitness to practise is impaired by reason of misconduct.”

On the 8th December 2010 the Chairman made the following statement regarding the finding of facts:

“Mr Ismael

The Committee has taken into account all the evidence presented to it. It has accepted the advice of the Legal Adviser. In accordance with that advice it has considered each head of charge separately.

The Committee recognised that in this case the decision on the findings of fact would depend on the assessment of the credibility of the witnesses.

I will now announce the Committee’s findings in relation to each head of charge:

1.	Admitted and proved
2(a).	Admitted and proved
2(b).	Proved
2(c).	Proved
2(d).	Proved
3(a).	Not proved
3(b).	Proved

3(c).	Proved
3(d).	Proved
4(a).	Admitted and proved
4(b).	Proved
4(c).	Admitted and proved
5(a).	Not proved
5(b)(i).	Proved
5(b)(ii).	Proved
5(b)(iii)	Proved
5(b)(iv).	Proved
5(b)(v).	Proved
5(b)(vi).	<i>No case to answer</i>
5(b)(vii).	Proved
5(b)(viii).	<i>No case to answer</i>
6 – Stem	As amended
6(a).	Proved
6(b).	Proved
6(c).	Proved
7(a).	Not proved
7(b).	Proved
7(c).	Proved
8(a).	Not proved
8(b).	Not proved
9(a).	Not proved
9(b).	Not proved
9(c).	Not proved
9(d).	Not proved The Committee did not find [Redacted] to be a credible witness. He could not possibly have seen anyone leaving the practice.
10.	Proved
11.	Admitted and proved
12(a).	2(a) Proved

	<p>2(b) Proved</p> <p>2(c) Proved</p> <p>2(d) Proved</p> <p>3(a) Not proved</p> <p>3(b) Proved</p> <p>3(c) Proved</p> <p>3(d) Proved</p> <p>4(a) Proved</p> <p>4(b) Proved</p> <p>4(c) Proved</p> <p>5(a) Not proved</p> <p>5(b)(i) Proved</p> <p>5(b)(ii) Proved</p> <p>5(b)(iii) Proved</p> <p>5(b)(iv) Proved</p> <p>5(b)(v) Proved</p> <p>5(b)(vi) Proved</p> <p>6(a) Proved</p> <p>6(b) Proved</p> <p>6 (c) Proved</p> <p>7(a) Not proved</p> <p>7(b) Proved</p> <p>7(c) Proved</p> <p>8(a) Not proved</p> <p>8(b) Not proved</p> <p>9(a) Not proved</p> <p>9(b) Not proved</p> <p>9(c) Not proved</p> <p>9(d) Not proved</p> <p>10) Proved</p> <p>11) Proved</p>
12(b).	<p>2(a) Proved</p> <p>2(b) Proved</p>

	<p>2 (c) Proved</p> <p>2(d) Proved</p> <p>3(a) Not proved</p> <p>3(b) Proved</p> <p>3(c) Proved</p> <p>3(d) Proved</p> <p>4(a)Proved</p> <p>4(b) Proved</p> <p>4(c) Proved</p> <p>5(a) Not proved</p> <p>5(b)(i) Proved</p> <p>5(b)(ii) Proved</p> <p>5(b)(iii)Proved</p> <p>5(b)(iv)Proved</p> <p>5(b)(v)Proved</p> <p>5(b)(vii)Proved</p> <p>6(a)Proved</p> <p>6(b)Proved</p> <p>6 (c)Proved</p> <p>7(a)Not proved</p> <p>7(b)Proved</p> <p>7(c)Proved</p> <p>8(a)Not proved</p> <p>8(b)Not proved</p> <p>9(a)Not proved</p> <p>9(b)Not proved</p> <p>9(c)Not proved</p> <p>9(d) Not proved</p> <p>10) Proved</p> <p>11) Proved</p>
13.	<p>2(a) Proved</p> <p>2(b) Proved</p> <p>2 (c) Proved</p>

	2(d) Proved
	3(a) Not proved
	3(b) Proved
	3(c) Proved
	3(d) Proved
	4(a) Proved
	4(b) Proved
	4(c) Proved
	5(a) Not proved
	5(b)(i) Proved
	5(b)(ii) Proved
	5(b)(iii) Proved
	5(b)(iv)Proved
	5(b)(v)Proved
	5(b)(vii)Proved
	6(a)Proved
	6(b)Proved
	6 (c)Proved
	7(a)Not proved
	7(b)Proved
	7(c)Proved
	8(a)Not proved
	8(b)Not proved

We move to Stage Two."

On the 9th December 2010 the Chairman announced the determination as follows:

"Mr Ismael

The Committee has considered all of the information before it. It has accepted the advice of the Legal Adviser.

During the material time covered by these charges you were a dentist practising at the Pytchley Court Dental Practice, Corby.

The case concerns your behaviour towards various colleagues and patients.

The Committee considered that you were in breach of the following paragraphs of Standards for Dental Professionals:

- 1.1 Put patients' interests before your own or those of any colleague, organisation or business.
- 2.1 Treat patients politely and with respect, in recognition of their dignity and rights as individuals.
- 2.4 Listen to patients and give them the information they need, in a way they can use, so that they can make decisions. This will include:
 - communicating effectively with patients;
 - explaining options (including risks and benefits); and
 - giving full information on proposed treatment and possible costs.
- 4.2 Treat all team members and other colleagues fairly and in line with the law. Do not discriminate against them.
- 6.3 Maintain appropriate standards of personal behaviour in all walks of life so that patients have confidence in you and the public have confidence in the dental profession.

The Committee first considered whether the findings of fact relating to your behaviour amounted to misconduct. The Committee was cognisant of the legal authorities in this area, namely that the misconduct must be serious and include conduct that could bring the dental profession into disrepute, conduct which would be regarded by fellow practitioners as deplorable and conduct which falls seriously below the standards expected of a dental practitioner.

The Committee determined that your conduct did amount to serious misconduct. The Committee felt that the following was appalling:

- Leaving an inexperienced dentist in charge of a practice which potentially put patients at risk
- Failing to provide a contract of employment to a dentist for three months despite repeated requests and not settling the dentist's invoice for services in the region of £3763.05
- Abusive behaviour to other dentists and in particular making a racist comment
- Treating staff disrespectfully by shouting at them
- Leaving a patient untreated and telling another distressed patient to leave the surgery

The Committee next considered your fitness to practise taking into account the principles contained within recent case law as submitted by the parties and advised by the Legal Adviser. The Committee acknowledges that you are now working as an associate rather than a principal. However, The Committee is concerned that you lack insight into the behaviour that led to your misconduct and therefore considers it could be repeated if you were to become a principal again. Patients and other dental staff could be at risk if you had unrestricted practice. The Committee therefore determined that your fitness to practise is currently impaired by reason of your misconduct.

The purpose of these proceedings is not to punish the practitioner but to uphold professional standards, protect the reputation of the profession, and maintain public confidence in the profession. The Committee has borne in mind that in deciding on sanction it must apply the principle of proportionality.

The Committee considered the sanctions available to it, starting with the least severe. It first considered concluding the case with or without a reprimand but decided that a reprimand would not address the seriousness of its findings. The Committee considered conditions and has concluded, in the light of all the mitigation, that this was the appropriate and proportionate sanction.

The following conditions will attach to your entry on the Dentists Register

1. He must notify the GDC promptly of any professional appointment he accepts and provide the contact details of his employer and PCT (or equivalent) on whose list he is included.
2. He must allow the GDC to exchange information with his employer, or any contracting body for which he provides dental services.
3. He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.
4. He must inform the GDC if he applies for dental employment outside the UK.
5. He must not be responsible for the administration of any dental practice.
6. He must engage in dental practice only at a practice he does not own and must not act as a principal.
7. He must inform within 1 week the following parties that his registration is subject to the conditions, listed at (1) to (6), above:
 - Any organisation or person employing or contracting with him to undertake dental work
 - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application)
 - Any prospective employer (at the time of application)
 - The PCT (or equivalent) in whose list he is included, or seeking inclusion (at the time of application)
8. He must permit the GDC to disclose the above conditions, (1) to (7), to any person requesting information about his registration status.

These conditions will apply for a period of 3 years and will be reviewed shortly before the end of that period. At the review hearing the Committee will determine whether to remove the conditions, continue them (with or without variations) or impose a period of suspension.

The Committee is minded to consider imposing an order for the immediate imposition of the conditions listed above, but first invites representations from both parties on the issue.”

“Mr Ismael

The Committee has determined that it is necessary to impose the aforementioned conditions immediately. The effect of the foregoing direction and order is that the conditions will apply forthwith and, if you do not exercise your right of appeal within 28 days, will apply for a further period of 3 years

That concludes the case.”

At a review hearing on 4 December 2013, the Chairman announced the determination as follows:

“Mr Ismael,

This is a resumed hearing pursuant to Section 27(C) of the Dentists Act 1984 (as amended).

Your case was first considered by the Professional Conduct Committee in December 2010. At that hearing, the Committee found proved a large number of charges concerning your behaviour towards patients and colleagues. That Committee found proved that whilst you practised as the principal dental surgeon at the Pytchley Court Dental Practice, for a period of approximately 6 weeks from 10 July 2008, you left the Practice under the control of a general dental practitioner, Mr F. He was a recently qualified dental practitioner, his employment at the Practice had commenced on 7 July 2008, he had not practised as a dentist in the United Kingdom prior to 7 July 2008 and you had not provided Mr F with adequate instruction as to practice in the United Kingdom, practice in the National Health Service, or practice management.

It was also found proved that upon your return, in about September 2008, when Mr F was looking for the right shade of composite to fill a patient's tooth, you gave Mr F composite to use which was past its expiry date and you told Mr F to provide treatments to patients, which could be carried out at a single appointment, at more than one appointment and you told Mr F to claim the cost of one set of dentures twice from the National Health Service. Also proved was that on 17 November 2008, in the presence of patients and staff at the Practice, you verbally abused Mr F by swearing at him; using racist language about Mr F with a patient; and shouting abuse at him from out of a window at the Practice as he walked to his parked car.

It was found proved that despite repeated requests from Mr F for a written contract since he started to work at the Practice on 7 July 2008, you did not provide Mr F with a written contract until 29 September 2008. In or around November 2008, when Mr F stopped working at the Practice, you failed to settle his final invoice for services in the sum of around £3,763.05.

The Committee found proved that on various dates between July 2006 and October 2008, in the hearing or presence of patients and other members of staff, you shouted at each of six named members of staff. On a date between July to November 2006, when a nervous female patient said “argh” when you commenced drilling, you told the patient that you would not put up with it; you told the patient to get out of your surgery; and you left the surgery. On or about 15 January 2007, during the course of providing treatment to Patient A, you told Patient A that you did not want to treat her and that she had to leave your surgery,

That Committee found that your conduct was unprofessional and inappropriate and in relation to certain facts found proved your conduct was not in the best interest of patients. It listed a number of findings which it considered appalling:

- Leaving an inexperienced dentist in charge of a practice which potentially put patients at risk.
- Failing to provide a contract of employment to a dentist for three months despite repeated requests and not settling the dentist's invoice for services in the region of £3763.05.
- Abusive behaviour to other dentists and in particular making a racist comment.
- Treating staff disrespectfully by shouting at them.
- Leaving a patient untreated and telling another distressed patient to leave the surgery.

It determined that your fitness to practise was impaired and a sanction for conditional registration was imposed for a period of 3 years.

Today, this Committee has reviewed your case. It has considered all the documentary and oral evidence presented to it. The Committee has taken account of the submissions made by Ms Scarbrough on behalf of the General Dental Council (GDC) and those made by Mr Thomas on your behalf. It has accepted the advice of the Legal Adviser.

You attended the hearing via video link from South Africa. The Committee heard oral evidence from you. You told the Committee that you had done your best to comply with the conditions imposed on your registration. You had informed every potential employer of the conditions on your registration. You left the UK to return to South Africa in January 2013 due to family ill health and suffered bereavement in April 2013. You told the Committee that since obtaining registration in South Africa, you had practised dentistry twice in a voluntary capacity to cover for the absence of a colleague. You informed this colleague of the conditions on your registration and received no payment.

You told the Committee that having conditions on your registration made securing employment difficult in the UK. It has had a very serious impact on your personal and financial life. You said that you have reflected upon your mistakes and that you determined to mend your ways.

You told the Committee that looking back, leaving an inexperienced dentist was a serious risk to patients and you would not want to make that mistake again. You told the Committee that you accept that you did not act professionally in not paying Mr F. You accept that you were wrong not to pay him for the work he had done and you appreciate that any employee would be offended.

In relation to using offensive language against Mr F, on reflection you told the Committee that if such remarks were made to you, you would have been hurt. You expressed regret at making such comments. You told the Committee that you had learnt from your previous clinical director as to how to relate to members of staff and the demeanour to apply in such conversations. You told the Committee that it was wrong to treat your colleagues disrespectfully; you now appreciate that the dental profession is a noble profession and you have mended your ways. You explained that now having worked as a locum dentist, you would be offended if a colleague spoke to you in the manner that you spoke to colleagues.

In relation to the proved charge that you asked a patient to leave your surgery for saying “argh”, you told the Committee that you made a grievous mistake in acting in the way you did. You should have realised that it was a sound of pain and you should have expressed sympathy with the patient, reassured them and made them feel comfortable. You told the Committee that you had treated several patients following the hearing in 2010 who had expressed discomfort and you recalled the conditions on your registration and acted appropriately.

You told the Committee that you cannot recall attending any courses on management or professional conduct. However you were worried about your anger issues and you sought spiritual assistance. You were given advice on how to manage your anger issues. It made a great difference to your life, your attitude and the anger issues. You told the Committee that you can now control your anger. You also told the Committee that you would like the conditions to be lifted. If the conditions were lifted, you would prefer to work as an associate dentist in a practice where the administrative matters are handled by somebody else to prevent any pressures that you may have faced when you owned your own practice. However you went on to state that if the opportunity arose, you would be willing to buy your own practice within a couple of months, if allowed to practise without restriction.

Ms Scarbrough submitted that you have complied with the conditions on your registration. However, she stated that there is very little information presented in the defence bundle in relation to any positive steps that you have taken towards remediation. She submitted that there is no evidence of management courses undertaken or any steps that you have taken to address the attitudinal failings identified by the previous Committee. She reminded the Committee that attitudinal problems are difficult to remediate. She further submitted that you had no insight into the identified failings in order for the Committee to determine that your fitness to practise is no longer impaired.

Ms Scarbrough invited the Committee to extend the conditions for a further period of 12 months. She submitted that if the Committee is minded to impose conditions, it should consider adding a further condition that requires you to notify the GDC within 7 days of your return to the UK so that the GDC can commence monitoring of any conditions imposed.

Mr Thomas submitted that any action that the Committee decides to take should be proportionate. He submitted that the risk to patients arose in that you left an inexperienced dentist in charge of your dental practice and not in relation to your dental skills. The public interest concerns relate to how you dealt with staff and patients in the past. Mr Thomas submitted that although sanctions are not meant to be punitive, they can have a punitive effect and in your case have had both financial and personal impact upon you. He submitted that you have reflected on past events and working as a locum dentist has afforded you the opportunity to observe colleagues in their management of staff and dealings with colleagues. Mr Thomas also submitted that the period of conditions which have been on your registration for 3 years may be seen by the public as sufficient to mark the severity of the findings made in 2010. He further submitted that this 3 year period should be seen as sufficient to allow a dentist to reflect on mistakes and reduce any risks that exist.

Mr Thomas also submitted that you acknowledge your mistakes and your oral evidence demonstrates very frank acceptance of fault and an acceptance that you breached the GDC standards. He invited the Committee to accept your evidence.

Mr Thomas stated that your evidence indicates that you have taken steps to ensure that risk of repetition is reduced. He also stated that although you have not attended further formal

courses in anger management but rather sought alternative methods to address your anger issues, this should not be counted against you as reflective of potential repetition of past mistakes. Mr Thomas submitted that you have recognised that there are increased stresses connected with owning a dental practice and that you are now aware of the existence of such stresses in addition to the stresses of being a dentist. He invited the Committee to consider whether the risks identified in your failings had reduced to such a level where you can be allowed to practise unrestricted.

Mr Thomas submitted that if the Committee did not agree that your fitness to practise is no longer impaired, conditions for a further period of 12 months would be appropriate. However, he submitted that a 'travel condition' as recommended by the GDC would not be practical and would be intrusive. He invited the Committee to maintain the current conditions in their current form, if it is minded to impose conditions on your registration for a further period.

In considering whether your fitness to practise remains impaired, the Committee bore in mind that the issue of current impairment is a matter for its own independent professional judgement. It reminded itself of its duties which include the protection of the public and maintaining standards in dental professionals in order to safeguard public confidence in the dental profession. The Committee also had regard to the principle of proportionality.

The Committee first considered whether you had complied with the conditions imposed on your registration. It had evidence before it of notifications sent to the GDC of the locum work you undertook. The Committee noted that you relocated to South Africa in January/February 2013. In an email to the GDC dated 7 February 2013, you informed the GDC that you had re-applied for re-registration with the Health Council of South Africa and that you had informed that Health Authority of the conditions on your registration. In June 2013 you informed the GDC that you had obtained registration with the Health Council of South Africa but you had been unable to secure employment. The Committee determined that you have complied with the conditions currently on your registration.

The Committee was of the view that the facts found proved against you were serious. You made abusive comments to a colleague in the presence of patients. It was proved that your behaviour was not a one-off but was systematic over a period of time. You told the Committee that you had sought alternative methods of addressing your anger issues and attitudinal problems. The Committee was concerned that there is no documentary evidence before it to confirm that these concerns have been addressed.

The Committee also considered the CPD evidence that you provided covering the last three years. You stated that you have done more courses but did not have the evidence to hand. The Committee remains concerned that there is insufficient evidence to demonstrate that you have kept up with the minimum CPD requirements and also there is a lack of documentary evidence to show that you have addressed the concerns identified by the previous Committee in relation to working in a team and attitudinal issues. For example, there are no references or testimonials from colleagues attesting to your behavioural change in communication and attitude.

The Committee was also concerned that your evidence was inconsistent about your future plans for practising dentistry and/ or owning a dental practice in the UK. The Committee concluded that although you have complied with the conditions currently on your registration, you have not addressed the serious failings identified by the allegations found proved against you. There is insufficient evidence before the Committee of relevant remediation in the areas highlighted in the proved facts and you have limited insight into your past failings.

Given this lack of insight, the Committee remains concerned that there is a risk of repetition of the misconduct. The Committee therefore determined that your fitness to practise remains impaired.

The Committee then considered what sanction, if any, to impose on your registration. It determined that conditions remain necessary in this case. Although you have complied with the current conditions on your registration, the Committee was of the view that the underlying issues identified in the previous Committee's decision have not been addressed and your level of insight remains of concern. The Committee has therefore determined to impose conditions on your registration for a further period of 12 months. It found no reason to vary or amend the conditions as submitted by Ms Scarbrough.

The conditions as they will appear against the name ISMAEL, Abdul Rezak on the Dentists Register are as follows:

1. He must notify the GDC promptly of any professional appointment he accepts and provide the contact details of his employer and PCT (or equivalent) on whose list he is included.
2. He must allow the GDC to exchange information with his employer, or any contracting body for which he provides dental services.
3. He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.
4. He must inform the GDC if he applies for dental employment outside the UK.
5. He must not be responsible for the administration of any dental practice.
6. He must engage in dental practice only at a practice he does not own and must not act as a principal.
7. He must inform within 1 week the following parties that his registration is subject to the conditions, listed at (1) to (6), above:
 - Any organisation or person employing or contracting with him to undertake dental work
 - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application)
 - Any prospective employer (at the time of application)
 - The PCT (or equivalent) in whose list he is included, or seeking inclusion (at the time of application)
8. He must permit the GDC to disclose the above conditions, (1) to (7), to any person requesting information about his registration status.

These conditions will be reviewed shortly before the end of the 12 month period.

Any future reviewing Committee may be assisted with documentary evidence which may include:

- documentary evidence of a Personal Development Plan (PDP),
- relevant CPD courses addressing the concerns identified,

- testimonials from colleagues,
- a reflective diary demonstrating a change in behaviour and attitude whilst working within a dental team.

That concludes the case for today.”

At a review hearing on 11 December 2014, the Chairman announced the determination as follows:

“Ms Donnelly,

Mr Ismael is neither present nor represented today. In his absence, the Committee first considered whether Notification of the Hearing had been served on Mr Ismael in accordance with Rules 28 and 65 of the General Dental Council (Fitness to Practise) (GDC) Rules Order of Council 2006 (the Rules). The Committee has received a bundle of documents which includes a copy of the Notification of the Hearing dated 13 November 2014, addressed to Mr Ismael’s registered address. This letter sets out the date, time and venue of the hearing, as well as the charge against him. The Committee’s attention has been drawn to the Royal Mail track and trace receipt, which confirms that the letter was sent on 13 November 2014 via air mail to his registered address in South Africa. The Committee noted that the Notice of Hearing identified a different venue and therefore an enquiry was made at that venue as to whether Mr Ismael had attended there. That enquiry by email established that Mr Ismael had not attended at that notified venue. In these circumstances, the Committee is satisfied that Rules 28 and 65 have been met.

The Committee then went on to consider whether to exercise its discretion under Rule 54 to hear this case in the absence of Mr Ismael. You, on behalf of the GDC, have referred the Committee to the fact that Mr Ismael has been served with Notification of Hearing, in which it makes it clear that the Committee has the power to proceed with the hearing in the absence of Mr Ismael. You also referred to the fact that the GDC received an email dated 15 November 2014 from Mr Ismael in connection with today’s hearing. He did not ask for an adjournment in that correspondence, but stated that he was not interested in being registered with the GDC. You therefore submitted that it would be appropriate to proceed in the absence of Mr Ismael as he had voluntarily absented himself.

The Committee has accepted the advice of the Legal Adviser. It has borne in mind that the discretion to proceed in the absence of the respondent should be exercised with the utmost care and caution. It has taken into account the public interest in the timely hearing of this review.

In making its decision as to whether to proceed in Mr Ismael’s absence, the Committee had regard to Mr Ismael’s email dated 15 November 2014 to the GDC in relation to these proceedings saying that he will not be attending. There was no request for an adjournment. The Committee has concluded that Mr Ismael has voluntarily absented himself from these proceedings. Further, it has received no evidence to suggest that an adjournment would make his attendance more likely on a future date. In all the circumstances, the Committee is satisfied that it is fair and in the public interest to hear this case in the absence of Mr Ismael.

This is a resumed hearing pursuant to Section 27(C) of the Dentists Act 1984 (as amended).

Mr Ismael's case was first considered by the Professional Conduct Committee in December 2010. At that hearing, the Committee found proved a large number of charges concerning his behaviour towards patients and colleagues.

That Committee found that Mr Ismael's conduct was unprofessional and inappropriate and in relation to certain facts found proved that his conduct was not in the best interest of patients. It listed a number of findings which it considered appalling:

- Leaving an inexperienced dentist in charge of a practice which potentially put patients at risk.
- Failing to provide a contract of employment to a dentist for three months despite repeated requests and not settling the dentist's invoice for services in the region of £3763.05.
- Abusive behaviour to other dentists and in particular making a racist comment.
- Treating staff disrespectfully by shouting at them.
- Leaving a patient untreated and telling another distressed patient to leave the surgery.

It determined that Mr Ismael's fitness to practise was impaired and a sanction of conditional registration was imposed for a period of 3 years.

The matter was reviewed in December 2013. That Committee determined that Mr Ismael's fitness to practise was still impaired and extended the same conditions for a further period of 12 months and added recommendations.

Today, this Committee has reviewed his case. It has considered all the documentary evidence and oral submissions presented to it. It has accepted the advice of the Legal Adviser.

You submitted that there is no information before the Committee today in relation to any positive steps that he has taken towards remediation. The limited contact with Mr Ismael since the last hearing indicates that Mr Ismael is now living in South Africa, not the United Kingdom. You submitted that there was no evidence of remediation received by the GDC. You reminded the Committee that attitudinal problems are difficult to remediate. You further submitted that he had presented no evidence to demonstrate insight into the identified failings which could allow the Committee to determine that his fitness to practise is no longer impaired.

You invited the Committee to extend the conditions for a further period of 12 months, but also invited the Committee to consider a longer period if they felt it was appropriate.

In considering whether Mr Ismael's fitness to practise remains impaired, the Committee bore in mind that the issue of current impairment is a matter for its own independent professional judgement. It reminded itself of its duties with regard to the protection of the public and to maintain standards of dental professionals in order to safeguard public confidence in the dental profession. The Committee also had regard to the principle of proportionality.

The Committee first considered whether Mr Ismael had complied with the conditions imposed on his registration. The Committee noted that there has been no material change since the last hearing. The Committee noted that Mr Ismael is currently residing in South Africa and the conditions only apply when he is in the United Kingdom. The Committee therefore considers that he is not in breach of the conditions imposed on his registration.

The Committee next went on to consider whether Mr Ismael's fitness to practise remains impaired. The Committee is concerned that there is no evidence to demonstrate that he has kept up with CPD requirements and also there is no documentary evidence to show that he has addressed the concerns identified by the previous Committee in relation to working in a team and attitudinal issues.

The Committee concluded that there was no evidence that Mr Ismael has addressed the serious failings identified in the areas highlighted in the proved facts and he has limited insight into his past misconduct. The Committee remained concerned that there is a risk of repetition of the misconduct. The Committee therefore determined that Mr Ismael's fitness to practise remains impaired.

The Committee then considered what sanction, if any, to impose on Mr Ismael's registration. It determined that conditions remain necessary in this case. The Committee was of the view that the underlying issues identified in the previous Committee's determination had not been addressed and his level of insight remained of concern. The Committee considered a period of suspension, however the Committee noted that Mr Ismael is not in breach of the conditions imposed, and considered it disproportionate to impose a higher sanction. The Committee has therefore determined to impose varied conditions on Mr Ismael's registration for a further period of 24 months.

The conditions as they will appear against the name ISMAEL, Abdul Rezak on the Dentists Register are as follows:

1. He must inform the GDC within 7 days of his return to the UK. The following conditions can only be fulfilled in the UK and the monitoring of his compliance of these conditions will start from the date of his return.
2. He must notify the GDC promptly of any professional appointment he accepts and provide the contact details of his employer and his Commissioning Body (or equivalent) on whose list he is included.
3. He must allow the GDC to exchange information with his employer, or any contracting body for which he provides dental services.
4. He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.
5. He must inform the GDC if he applies for dental employment outside the UK.
6. He must not be responsible for the administration of any dental practice.
7. He must engage in dental practice only at a practice he does not own and must not act as a principal.
8. He must inform within 1 week the following parties that his registration is subject to the conditions, listed at (1) to (7) above:
 - Any organisation or person employing or contracting with him to undertake dental work
 - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application)
 - Any prospective employer (at the time of application)

- The Commissioning Body (or equivalent) in whose list he is included, or seeking inclusion (at the time of application)
9. He must permit the GDC to disclose the above conditions, (1) to (8), to any person requesting information about his registration status.

These conditions will be reviewed shortly before the end of the 24 month period.

Any future reviewing Committee may be assisted by evidence of:

- a Personal Development Plan (PDP),
- relevant CPD courses addressing the concerns identified,
- testimonials from colleagues,
- a reflective diary demonstrating a change in behaviour and attitude whilst working within a dental team.

A Committee will review Mr Ismael's case at a further resumed hearing to be held shortly before the end of the period of conditional registration. That Committee will consider what action it should take in relation to his registration. Mr Ismael will be informed of the date and time of that resumed hearing, which he will be expected to attend.

That concludes this case for today."

At a review hearing on 15 December 2016, the Chairman announced the determination as follows:

"This is a resumed hearing pursuant to Section 27(C) of *The Dentists Act 1984*. The Committee has received submissions from Ms Vanya Headley on behalf of the General Dental Council ('GDC') and it has read the bundle of documents before it. Mr Ismael was neither present nor represented today and, the Committee was informed, he has not submitted any written representations nor communicated with the GDC since the last hearing. In reaching its decisions, the Committee has accepted the advice of the Legal Adviser.

Service of the Notification

In Mr Ismael's absence, the Committee first considered whether the notification of hearing had been served in accordance with paragraphs 28 and 65 of *The General Dental Council (Fitness to Practise) Rules 2006* ('Rules'). The Committee has received a bundle of documents which includes a copy of the Notification of the Hearing dated 25 October 2016, addressed to Mr Ismael's registered address in South Africa. This letter sets out the date, time and location of the hearing, as well as the purpose of today's proceedings. The Committee's attention has been drawn to a Royal Mail '*track and trace*' receipt, which confirms that the letter had arrived in South Africa and an attempt to deliver it had been made. Under these circumstances, the Committee is satisfied that service of the notification had taken place in accordance with Rules 28 and 65.

Decision of proceeding in the absence of Mr Ismael

The Committee next considered whether to exercise its discretion under Rule 54 to hear this case in the absence of Mr Ismael. In an effort to ensure that Mr Ismael is aware of today's hearing, the GDC sent the notification to him in an email to his known email address on 25 October 2016. Mr Ismael has not engaged with the GDC in response to it. The Committee

has borne in mind, however, that its discretion to proceed in Mr Ismael's absence ought to be exercised with the utmost care and caution. It has taken into account the public interest in the timely hearing of this review, given that the current order for conditional registration is due to expire on 6 January 2017. The Committee noted that, prior to the previous hearing, Mr Ismael had submitted an email dated 15 November 2014, stating that he would not be attending. In the light of his past engagement and lack of engagement since, the Committee has concluded that Mr Ismael has voluntarily decided to absent himself from the hearing. There is no evidence to suggest that an adjournment would result in his attendance at a re-scheduled hearing. Accordingly, the Committee was satisfied that it is fair and reasonable and in the public interest to proceed in Mr Ismael's absence.

Impairment

Mr Ismael's case was first considered by a panel of the Professional Conduct Committee ('PCC') in December 2010, when a significant number of allegations, concerning his behaviour towards patients and colleagues, were found proved. In summary, Mr Ismael was found to have:

- placed his practice in the charge of an inexperienced dentist, which potentially put patients at risk;
- failed to provide a contract of employment to a dentist for three months, despite repeated requests, and omitted to settle that dentist's invoice amounting to a significant sum of money;
- exhibited abusive behaviour to other dentists including an offensive comment;
- treated staff disrespectfully by shouting at them; and,
- left a patient untreated and told another distressed patient to leave the surgery.

Mr Ismael's fitness to practise was found to have been impaired at that time and a sanction of conditional registration was imposed for a period of 3 years. Subsequently, the conditions were continued for a period of 12 months when reviewed by the PCC in December 2013 and, in December 2014, the conditions were varied and continued for a further 24 months. This is the third review of Mr Ismael's conditional registration.

The Committee first considered whether Mr Ismael had complied with the conditions imposed on his registration. It concluded that, given that there has been no material change since the last hearing, there is no evidence of any breach of the conditions. It noted also however, that there is also no evidence of compliance.

The Committee was informed that Mr Ismael is believed to be permanently residing in South Africa. However, no information is available about whether he is currently engaging in dental practice or as to his future intentions. As a UK registered dentist, Mr Ismael has an ongoing duty to engage with his professional regulator, the GDC. He has failed to do so, despite a number of attempts by the GDC to procure his engagement with these regulatory proceedings. It is a fundamental objective of the GDC's regulatory role to protect patients and the public, and to uphold public confidence in the wider dental profession. The Committee was of the view that the effect of Mr Ismael's non-engagement is to disregard these important objectives and, therefore, this suggests a lack of insight into his impairment. There is no evidence before the Committee with regard to Mr Ismael's remediation or insight.

In considering whether Mr Ismael's fitness to practise remains impaired, the Committee bore in mind that the issue of current impairment is a matter for its own independent professional judgement. It reminded itself of its duties with regard to the protection of the public and to maintain standards of dental professionals in order to safeguard public confidence in the dental profession. The Committee also had regard to the principle of proportionality.

The previous PCC, which sat in December 2014, quite properly made a number of suggestions which the next reviewing Committee might have found useful. These included an updated professional development plan (PDP), evidence of continuing professional development (CPD), and such evidence of insight as a personal reflection, amongst other things. The Committee has received no such evidence and, instead, it can only conclude that Mr Ismael continues to present a risk to patients and colleagues, and that there is a significant public interest in a finding of impairment in order to maintain public confidence in the profession. Accordingly, the Committee determined that Mr Ismael's fitness to practise remains currently impaired.

The Committee next considered the appropriate and proportionate outcome for Mr Ismael's registration. It determined that conditions are no longer workable, in the light of Mr Ismael's lack of engagement with the regulatory process. There is no meaningful evidence that Mr Ismael has sought to address the underlying issues which were identified by the previous PCC panels who have considered this case. Accordingly, the Committee has concluded that, for the protection of the public interest, the appropriate and proportionate outcome for this case is an order for suspension. Accordingly, the Committee directs that Mr Ismael's registration is suspended for a period of 12 months.

The PCC will review Mr Ismael's case at a further resumed hearing to be held shortly before the end of the period of suspended registration. That Committee will consider what action it should take in relation to his registration. Mr Ismael will be informed of the date and time of that resumed hearing, which he will be expected to attend."

Immediate Order

"Given the Committee's decision to suspend Mr Ismael's registration, Ms Headley submitted on behalf of the GDC that an order for immediate suspension is necessary in order to protect the public, and in the public interest, in order to cover the appeal period.

The Committee was of the view that, should Mr Ismael decide to appeal against its decision within the next 28 days, Mr Ismael would be able to continue practising dentistry for the duration of any such appeal. Given the Committee's finding that Mr Ismael has omitted to provide any evidence of remediation and insight, it is necessary and proportionate to suspend his registration immediately.

Unless Mr Ismael exercises his right of appeal, the substantive suspension of his registration will be effective after the expiration of the period of appeal. However, his registration is to be suspended immediately for the duration of the appeal period.

That concludes this case for today."

At a review hearing on 5 January 2018 the Chairman announced the determination as follows:

“This is a resumed hearing pursuant to s 27C of the Dentists Act 1984. On 9 December 2010 the Professional Conduct Committee (PCC) found Mr Ismael's fitness to practise to be impaired by reason of misconduct:

The Committee first considered whether the findings of fact relating to your behaviour amounted to misconduct...

The Committee determined that your conduct did amount to serious misconduct. The Committee felt that the following was appalling:

- Leaving an inexperienced dentist in charge of a practice which potentially put patients at risk
- Failing to provide a contract of employment to a dentist for three months despite repeated requests and not settling the dentist's invoice for services in the region of £3763.05
- Abusive behaviour to other dentists and in particular making a racist comment
- Treating staff disrespectfully by shouting at them
- Leaving a patient untreated and telling another distressed patient to leave the surgery

...The Committee acknowledges that you are now working as an associate rather than a principal. However, The Committee is concerned that you lack insight into the behaviour that led to your misconduct and therefore considers it could be repeated if you were to become a principal again. Patients and other dental staff could be at risk if you had unrestricted practice. The Committee therefore determined that your fitness to practise is currently impaired by reason of your misconduct.

The 2010 PCC directed that Mr Ismael's registration be made conditional on his compliance with conditions for a period of three years with a review. The conditions were reviewed on 4 December 2013, when the PCC determined that Mr Ismael's fitness to practise remained impaired by reason of his misconduct:

The Committee was of the view that the facts found proved against you were serious. You made abusive comments to a colleague in the presence of patients. It was proved that your behaviour was not a one-off but was systematic over a period of time. You told the Committee that you had sought alternative methods of addressing your anger issues and attitudinal problems. The Committee was concerned that there is no documentary evidence before it to confirm that these concerns have been addressed.

The Committee also considered the CPD evidence that you provided covering the last three years. You stated that you have done more courses but did not have the evidence to hand. The Committee remains concerned that there is insufficient evidence to demonstrate that you have kept up with the minimum CPD requirements and also there is a lack of documentary evidence to show that you have addressed the concerns identified by the previous Committee in relation to working in a team and attitudinal issues. For example, there are no references or testimonials from colleagues attesting to your behavioural change in communication and attitude.

The Committee was also concerned that your evidence was inconsistent about your future plans for practising dentistry and/ or owning a dental practice in the UK. The Committee concluded that although you have complied with the conditions currently on your registration, you have not addressed the serious failings identified by the allegations found proved against you. There is insufficient evidence before the Committee of relevant remediation in the areas

highlighted in the proved facts and you have limited insight into your past failings. Given this lack of insight, the Committee remains concerned that there is a risk of repetition of the misconduct. The Committee therefore determined that your fitness to practise remains impaired.

In directing that the conditions be extended for a further period of 12 months with a review, the 2013 PCC stated:

Although you have complied with the current conditions on your registration, the Committee was of the view that the underlying issues identified in the previous Committee's decision have not been addressed and your level of insight remains of concern...

Any future reviewing Committee may be assisted with documentary evidence which may include:

- documentary evidence of a Personal Development Plan (PDP),
- relevant CPD courses addressing the concerns identified,
- testimonials from colleagues,
- a reflective diary demonstrating a change in behaviour and attitude whilst working within a dental team.

The conditions were reviewed on 15 December 2016, when the PCC found that Mr Ismael's fitness to practise continued to be impaired by reason of his misconduct. Mr Ismael was neither present nor represented at that hearing. The PCC stated:

...Mr Ismael is believed to be permanently residing in South Africa. However, no information is available about whether he is currently engaging in dental practice or as to his future intentions. As a UK registered dentist, Mr Ismael has an ongoing duty to engage with his professional regulator, the GDC. He has failed to do so, despite a number of attempts by the GDC to procure his engagement with these regulatory proceedings. It is a fundamental objective of the GDC's regulatory role to protect patients and the public, and to uphold public confidence in the wider dental profession. The Committee was of the view that the effect of Mr Ismael's non-engagement is to disregard these important objectives and, therefore, this suggests a lack of insight into his impairment. There is no evidence before the Committee with regard to Mr Ismael's remediation or insight...

The previous PCC, which sat in December 2014, quite properly made a number of suggestions which the next reviewing Committee might have found useful. These included an updated professional development plan (PDP), evidence of continuing professional development (CPD), and such evidence of insight as a personal reflection, amongst other things. The Committee has received no such evidence and, instead, it can only conclude that Mr Ismael continues to present a risk to patients and colleagues, and that there is a significant public interest in a finding of impairment in order to maintain public confidence in the profession. Accordingly, the Committee determined that Mr Ismael's fitness to practise remains currently impaired.

The 2016 PCC directed that Mr Ismael's registration be suspended for a period of 12 months with a review:

...conditions are no longer workable, in the light of Mr Ismael's lack of engagement with the regulatory process. There is no meaningful evidence that Mr Ismael has sought to address the underlying issues which were identified by the previous PCC panels who have considered this case. Accordingly, the Committee has concluded that, for the protection of the public interest, the appropriate and proportionate outcome for this case is an order for suspension. Accordingly, the Committee directs that Mr Ismael's registration is suspended for a period of 12 months.

The role of the Committee today is to undertake the review directed by the 2016 PCC. Neither party was present at the hearing. The General Dental Council (GDC) provided written submissions dated 3 January 2018, in which it requested that the hearing be conducted on the papers.

The Committee was satisfied that notification of this hearing had been duly served on Mr Ismael in accordance with the requirements of Rules 28 and 54 of the General Dental Council (Fitness to Practise) Rules 2006. By email timed 14:31 on 27 December 2017, Mr Ismael stated to the GDC that he was content for the hearing to proceed on the papers. Mr Ismael made submissions for use at this hearing in that email and in an earlier email timed 08:25 on 15 December 2017. He also supplied evidence of his Continuing Professional Development (CPD) activity.

Accordingly, both parties having agreed to the hearing being conducted on the papers, the Committee was satisfied that it would be fair and in the interests of justice to proceed in their absence.

In reaching its decision, the Committee had regard to the written submissions of both parties and to all the documentary evidence put before it, as contained in exhibits 1 and 2. The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016). The Committee accepted the advice of the Legal Adviser.

The Committee first considered whether Mr Ismael's fitness to practise continues to be impaired by reason of his misconduct. Mr Ismael has provided little of the evidence suggested to him by the 2013 PCC, which may have been useful to a future Committee when assessing whether there has been sufficient insight and remediation. There is no Personal Development Plan, no evidence of relevant Continuing Professional Development (CPD) courses, no testimonials from colleagues and no reflective diary demonstrating a change in behaviour and attitude.

The Committee noted that Mr Ismael had started to re-engage since the last review but has provided minimal evidence of remediation. The CPD certificates he has put before the Committee are not relevant to the concerns raised in these proceedings. He makes anecdotal reference to anger management treatment, but is unable to supply any documentary evidence in support of this. He has not undertaken any form of anger management treatment for which he can provide documentary proof in respect of his progress and completion of such treatment.

The Committee finds that there is no material to reassure it that there has been sufficient progress in respect of insight and remediation. There is nothing before this Committee which would undermine or mitigate the concerns identified by the last three Committees. Accordingly, the Committee is satisfied that Mr Ismael's fitness to practise continues to be impaired by reason of his misconduct.

Given the finding of current impairment, the Committee is satisfied that a sanction is required. The Committee next considered what sanction to impose on Mr Ismael's registration. It determined that conditions of practice could not be formulated to be workable, measurable and proportionate. Mr Ismael had previously been subject to conditions of practice for over 4 years but failed to demonstrate any adequate or meaningful remediation during this time. There is nothing to suggest that conditional registration could at this stage

facilitate Mr Ismael's remediation, whilst adequately protecting the public and maintaining public confidence in the profession.

The Committee noted that a number of Mr Ismael's failings were attitudinal and he has not yet met the persuasive burden of demonstrating that they have been remedied since the initial substantive hearing in 2010. There remains a real risk of repetition. The suspension of Mr Ismael's registration remains necessary and proportionate for the protection of the public and to maintain public confidence in the profession. In considering the proportionality of suspension, the Committee had regard to the fact that Mr Ismael is not currently practising in the United Kingdom. Accordingly, the suspension shall be continued for a further period of 12 months, beginning with the date on which it would otherwise expire. The Committee considers this period to be appropriate given the level of remediation Mr Ismael would need to demonstrate.

The Committee would recommend to Mr Ismael that a future panel may be assisted by:

- a Personal Development Plan;
- evidence of relevant CPD courses;
- testimonials from colleagues;
- a reflective diary demonstrating a change in behaviour and attitude.

The suspension shall be reviewed prior to its expiry. That concludes the case."

At a review hearing on 3 January 2019 the Chair announced the determination as follows:

"This is a resumed hearing pursuant to s 27C of the Dentists Act 1984. On 9 December 2010 the Professional Conduct Committee (PCC) found Mr Ismael's fitness to practise to be impaired by reason of misconduct, stating:

...The Committee felt that the following was appalling:

- Leaving an inexperienced dentist in charge of a practice which potentially put patients at risk
- Failing to provide a contract of employment to a dentist for three months despite repeated requests and not settling the dentist's invoice for services in the region of £3763.05
- Abusive behaviour to other dentists and in particular making a racist comment
- Treating staff disrespectfully by shouting at them
- Leaving a patient untreated and telling another distressed patient to leave the surgery

...The Committee acknowledges that you are now working as an associate rather than a principal. However, The Committee is concerned that you lack insight into the behaviour that led to your misconduct and therefore considers it could be repeated if you were to become a principal again. Patients and other dental staff could be at risk if you had unrestricted practice. The Committee therefore determined that your fitness to practise is currently impaired by reason of your misconduct.

The 2010 PCC directed that Mr Ismael's registration be made conditional on his compliance with conditions for a period of three years with a review. The review took place on 4 December 2013, when the PCC determined that Mr Ismael's fitness to practise remained impaired by reason of his misconduct:

The Committee was of the view that the facts found proved against you were serious. You made abusive comments to a colleague in the presence of patients. It was proved that your behaviour was not a one-off but was systematic over a period of time. You told the Committee that you had sought alternative methods of addressing your anger issues and attitudinal problems. The Committee was concerned that there is no documentary evidence before it to confirm that these concerns have been addressed.

The Committee also considered the CPD evidence that you provided covering the last three years. You stated that you have done more courses but did not have the evidence to hand. The Committee remains concerned that there is insufficient evidence to demonstrate that you have kept up with the minimum CPD requirements and also there is a lack of documentary evidence to show that you have addressed the concerns identified by the previous Committee in relation to working in a team and attitudinal issues. For example, there are no references or testimonials from colleagues attesting to your behavioural change in communication and attitude.

The Committee was also concerned that your evidence was inconsistent about your future plans for practising dentistry and/ or owning a dental practice in the UK. The Committee concluded that although you have complied with the conditions currently on your registration, you have not addressed the serious failings identified by the allegations found proved against you. There is insufficient evidence before the Committee of relevant remediation in the areas highlighted in the proved facts and you have limited insight into your past failings. Given this lack of insight, the Committee remains concerned that there is a risk of repetition of the misconduct. The Committee therefore determined that your fitness to practise remains impaired.

The 2013 PCC directed that Mr Ismael's conditional registration be extended for a further period of 12 months with a review, stating that:

Although you have complied with the current conditions on your registration, the Committee was of the view that the underlying issues identified in the previous Committee's decision have not been addressed and your level of insight remains of concern...

Any future reviewing Committee may be assisted with documentary evidence which may include:

- documentary evidence of a Personal Development Plan (PDP),
- relevant CPD courses addressing the concerns identified,
- testimonials from colleagues,
- a reflective diary demonstrating a change in behaviour and attitude whilst working within a dental team.

The conditions were reviewed on 11 December 2014. Mr Ismael was neither present nor represented at that hearing. In deciding to proceed in his absence, the PCC concluded that Mr Ismael had voluntarily absented himself from the hearing in light of *"...an email dated 15 November 2014 from Mr Ismael in connection with today's hearing. He did not ask for an adjournment in that correspondence, but stated that he was not interested in being registered with the GDC."* Mr Ismael had not provided any of the documentary evidence indicated by the 2013 PCC, nor had he supplied any other evidence of remediation. The 2014 PCC therefore found that his fitness to practise continued to be impaired by reason of his misconduct, as *"...there was no evidence that Mr Ismael has addressed the serious failings identified in the areas highlighted in the proved facts and he has limited insight into*

his past misconduct. The Committee remained concerned that there is a risk of repetition of the misconduct."

Mr Ismael was now residing in South Africa and the conditions on his registration would only apply when he was in the United Kingdom. The 2014 PCC therefore considered that there could be no actual breach of the conditions on his registration and that suspension would be disproportionate in the absence of any such breach. The PCC therefore directed that the conditions be varied and extended for a further period of 24 months, with a review.

The review took place on 15 December 2016. Mr Ismael was neither present nor represented at the hearing. The PCC found that his fitness to practise continued to be impaired by reason of his misconduct:

...Mr Ismael is believed to be permanently residing in South Africa. However, no information is available about whether he is currently engaging in dental practice or as to his future intentions. As a UK registered dentist, Mr Ismael has an ongoing duty to engage with his professional regulator, the GDC. He has failed to do so, despite a number of attempts by the GDC to procure his engagement with these regulatory proceedings. It is a fundamental objective of the GDC's regulatory role to protect patients and the public, and to uphold public confidence in the wider dental profession. The Committee was of the view that the effect of Mr Ismael's non-engagement is to disregard these important objectives and, therefore, this suggests a lack of insight into his impairment. There is no evidence before the Committee with regard to Mr Ismael's remediation or insight...

The previous PCC, which sat in December 2014, quite properly made a number of suggestions which the next reviewing Committee might have found useful. These included an updated professional development plan (PDP), evidence of continuing professional development (CPD), and such evidence of insight as a personal reflection, amongst other things. The Committee has received no such evidence and, instead, it can only conclude that Mr Ismael continues to present a risk to patients and colleagues, and that there is a significant public interest in a finding of impairment in order to maintain public confidence in the profession. Accordingly, the Committee determined that Mr Ismael's fitness to practise remains currently impaired.

The 2016 PCC directed that Mr Ismael's registration be suspended for a period of 12 months with a review:

...conditions are no longer workable, in the light of Mr Ismael's lack of engagement with the regulatory process. There is no meaningful evidence that Mr Ismael has sought to address the underlying issues which were identified by the previous PCC panels who have considered this case. Accordingly, the Committee has concluded that, for the protection of the public interest, the appropriate and proportionate outcome for this case is an order for suspension. Accordingly, the Committee directs that Mr Ismael's registration is suspended for a period of 12 months.

The review took place on 5 January 2018. Mr Ismael was neither present nor represented at the hearing. The PCC found that his fitness to practise continued to be impaired by reason of his misconduct:

...There is no Personal Development Plan, no evidence of relevant Continuing Professional Development (CPD) courses, no testimonials from colleagues and no reflective diary demonstrating a change in behaviour and attitude.

The Committee noted that Mr Ismael had started to re-engage since the last review but has provided minimal evidence of remediation. The CPD certificates he has put before the Committee are not relevant to the concerns raised in these proceedings. He makes anecdotal

reference to anger management treatment, but is unable to supply any documentary evidence in support of this...

The 2018 PCC directed that Mr Ismael's suspension be extended for a further period of 12 months, with a review:

Mr Ismael had previously been subject to conditions of practice for over 4 years but failed to demonstrate any adequate or meaningful remediation during this time. There is nothing to suggest that conditional registration could at this stage facilitate Mr Ismael's remediation, whilst adequately protecting the public and maintaining public confidence in the profession.

The Committee noted that a number of Mr Ismael's failings were attitudinal and he has not yet met the persuasive burden of demonstrating that they have been remedied since the initial substantive hearing in 2010. There remains a real risk of repetition. The suspension of Mr Ismael's registration remains necessary and proportionate for the protection of the public and to maintain public confidence in the profession. In considering the proportionality of suspension, the Committee had regard to the fact that Mr Ismael is not currently practising in the United Kingdom. Accordingly, the suspension shall be continued for a further period of 12 months, beginning with the date on which it would otherwise expire. The Committee considers this period to be appropriate given the level of remediation Mr Ismael would need to demonstrate.

The Committee would recommend to Mr Ismael that a future panel may be assisted by:

- a Personal Development Plan;
- evidence of relevant CPD courses;
- testimonials from colleagues;
- a reflective diary demonstrating a change in behaviour and attitude.

The Committee today is convened to undertake the review directed by the 2018 PCC. Mr Ismael was neither present nor represented at the hearing. Mr Ahmed, for the GDC, submitted that service of the notification of hearing had been effected on him in accordance with the General Dental Council (Fitness to Practise) Rules 2006 (the "Rules").

Service and absence

The notification of hearing was sent to Mr Ismael on 19 November 2018 at his registered address in South Africa by international delivery. Royal Mail 'Track and Trace' records that, as of 11 December, the item is "in transit" and that it "has left the overseas International Processing Centre". The Committee was satisfied that the notification of hearing was sent with sufficient notice and contained the required information under Rule 28 of the Rules, including the time, date and venue of this hearing; and that it had been served on Mr Ismael in accordance with Rule 65 by virtue of it being sent to his registered address by post with a confirmation of posting issued by the Post Office. Although the Committee does not have proof of delivery, service is effected under the Rules by the notification being sent.

The Committee next considered whether to proceed with the hearing notwithstanding the absence of Mr Ismael. This is a discretion which must be exercised with the utmost care and caution.

A copy of the notification of hearing was also sent to Mr Ismael by email on 19 November 2018 using a secure file sharing service, which gave the recipient until 26 November 2018 to download the notification. The secure file sharing service records that the document has not been downloaded. The email address used was Mr Ismael's registered email address. He

had previously communicated with the GDC regarding these proceedings using that email address.

The Committee was satisfied that all reasonable efforts had been made by the GDC to send notification of this hearing to Mr Ismael. The notification of hearing asked him to confirm whether or not he would be attending the hearing by 3 December 2018 and informed him that he could attend “*in person, by telephone or by video-link*” and that if he did not attend the Committee may proceed in his absence, which could be “severely prejudicial” to his case.

There has been no response or engagement from Mr Ismael. He is under a professional duty to cooperate with these regulatory proceedings and to engage with his regulator regarding his attendance at this hearing. There is no application from him for a postponement and there is nothing to suggest to the Committee that an adjournment would make his attendance any more likely in the future. He had not attended the last two hearings, albeit he did make written submissions and supply some evidence of remediation for use at the last hearing.

The Committee concluded that Mr Ismael had voluntarily absented himself from the hearing today.

The current period of suspension will expire on 18 January 2019 and the Committee must therefore review the suspension before the date. Having regard to all the circumstances, including the need for the expeditious disposal of proceedings and the public interest in retaining jurisdiction over this case by reviewing the suspension prior to 18 January 2019, the Committee determined that it would be fair and in the interests of justice to proceed, notwithstanding the absence of Mr Ismael.

The resumed hearing

Mr Ahmed referred the Committee to the dictum of Lord Wilson in *Khan v General Pharmaceutical Council* (Scotland) [2016] UKSC 64, at 27:

...the focus of a review is upon the current fitness of the registrant to resume practice, judged in the light of what he has, or has not, achieved since the date of the suspension. The review committee will note the particular concerns articulated by the original committee and seek to discern what steps, if any, the registrant has taken to allay them during the period of his suspension. The original committee will have found that his fitness to practise was impaired. The review committee asks: does his fitness to practise remain impaired?

Mr Ahmed submitted that Mr Ismael’s fitness to practise continues to be impaired by reason of his misconduct. He has not discharged the persuasive burden on him today to show that he has adequately addressed the finding of impairment. There remains a real risk of repetition.

Mr Ahmed submitted that Mr Ismael is unlikely to present evidence of remediation in the future, given his lack of engagement in these proceedings and the fact that he has had since 2010 to demonstrate remediation but had failed to do so. Mr Ahmed submitted that the Committee should give a direction for indefinite suspension.

The Committee accepted the advice of the Legal Adviser.

The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016).

There has been no engagement at all from Mr Ismael since the last hearing. He puts before the Committee no evidence whatsoever of insight or remediation. He was given clear guidance by the previous Committees on how he might provide evidence of remediation for the reviewing Committee but has supplied no such evidence. The Committee today is in no different a position to the last Committee. Mr Ismael continues to demonstrate a lack of insight into the serious attitudinal failings which led to the finding of impairment. In the Committee's judgment, there remains a risk of repetition should he be allowed to practise without restriction. Further, public confidence in the profession would also be seriously undermined if no finding of impairment were made today. Mr Ismael's failings are attitudinal in nature. There has been a repeated failure over period of years to demonstrate any meaningful insight into his misconduct. Over a period of some 8 years he has also provided no adequate evidence of remediation.

Accordingly, the Committee finds that Mr Ismael's fitness to practise continues to be impaired by reason of his misconduct. There is nothing to suggest that conditions of practice could be formulated which would be measurable, workable or proportionate. Mr Ismael is not engaging at all in these proceedings and he had not remedied his failings when his registration was subject to his compliance with conditions. The suspension of his registration therefore remains necessary and proportionate. There is nothing to suggest that a reviewing Committee would be in any different position in 12 months (the maximum fixed period of suspension the Committee can direct). This is because Mr Ismael is currently not engaging at all in these proceedings. There had previously only been limited engagement from him. Since 2010 he has repeatedly failed to demonstrate any adequate evidence of remediation.

Accordingly, the Committee directs that Mr Ismael's registration be suspended indefinitely.

That concludes the hearing."