

HEARING PARTLY HEARD IN PRIVATE

BATOOOL, Maryam

Registration No: 218577

PROFESSIONAL CONDUCT COMMITTEE

FEBRUARY 2021- April 2021

Outcome: Erased with Immediate Suspension

BATOOOL, Maryam, a dental nurse, Diploma in Dental Nursing Barts and the London NHS Trust 2011, was summoned to appear before the Professional Conduct Committee on 8 February 2021 for an inquiry into the following charge:

Charge (as AMENDED on 9 February 2021)

“That being a registered Dental Care Professional:

1. You provided one or more of the following documents to your employer, Guy’s and St Thomas’ NHS Trust:
 - a. Letters purportedly from Kingston Hospital:
 - i. Dated 18 January 2013 purportedly signed by Person A;
 - ii. Dated 18 January 2013 purportedly signed by Person B;
 - iii. Dated 23 September 2013;
 - iv. Dated 1 October 2013;
 - v. Dated 1 November 2013;
 - vi. Dated 8 November 2013;
 - vii. Dated 15 November 2013;
 - viii. Dated 22 November 2013;
 - ix. Dated 1 December 2013;
 - x. Dated 24 January 2014;
 - xi. Dated 5 March 2014;
 - xii. Dated 29 June 2014 or 29 May 2014 purportedly signed by Person B;
 - xiii. Dated 6 June 2014 purportedly from the “Department of gastroenterology”;
 - xiv. Dated 6 June 2014 purportedly signed by Person B;
 - xv. Dated 10 June 2014;
 - b. Letters purportedly from St Mark’s Hospital:
 - i. AMENDED TO READ: Dated 24 February 2014;
 - ii. Dated 4 January 2016;

- iii. Dated 8 January 2016;
- iv. Dated 15 January 2016;
- v. Dated 5 February 2016;
- vi. Dated 21 March 2016;
- vii. Dated 2 December 2016;
- c. Letters purportedly from the Royal Marsden NHS Foundation Trust:
 - i. Dated 30 April 2018 about an appointment on 3 May 2018;
 - ii. Dated 30 April 2018 about an appointment on 2 May 2018;
 - iii. Dated 30 April 2018 about an appointment on 1 May 2018;
 - iv. Dated 29 May 2018 about an appointment on 7 June 2018;
 - v. Dated 29 May 2018 about an appointment on 6 June 2018;
 - vi. Dated 20 July 2018;
 - vii. A letter dated 5 October 2018;
 - viii. A letter dated 8 October 2018 about an appointment with Person C;
 - ix. A letter dated 8 October 2018 about an appointment with Person D;
 - x. A letter dated 8 October 2018 about an appointment with Person E;
- d. Statement of fitness to work certificates purportedly issued by the E12 Health Centre
 - i. Dated 24 February 2016;
 - ii. Dated 18 March 2016;
 - iii. Dated 19 May 2016;
 - iv. Dated 8 August 2016;
 - v. Dated 6 October 2016;
 - vi. Dated 2 December 2016;
 - vii. Dated 10 December 2017;
- e. Statement of fitness to work certificates purportedly issued by the First 4 Health Group:
 - i. Dated 21 February 2018;
 - ii. Dated 16 March 2018;
 - iii. Dated 3 April 2018;
 - iv. Dated 19 April 2018;
 - v. Three letters dated 9 May 2018;
 - vi. Two letters dated 13 June 2018;
 - vii. Dated 17 August 2018;

- viii. Dated 24 December 2018;
 - ix. Dated 17 January 2019;
 - x. Two letters dated 22 January 2019.
- 2. One or more of the documents set out at 1 above were not genuine and were created by you.
 - 3. You provided false information to your employer, Guy's and St Thomas' NHS Trust, about the reasons for your sickness leave, in that:
 - a. For periods from around January 2013 to around October 2018 you led your employer to believe that you had cancer when this was not true;
 - b. In or around January 2019, you informed your employer that you had had a miscarriage when this was not true.
 - 4. Your actions at 1 and/or 2 and/or 3 above were:
 - a. ADMITTED TO READ: Misleading; and/or
 - b. Dishonest.

AND by reason of the facts alleged at charges 1 to 4, your fitness to practise is impaired by reason of misconduct.”

On 10 February 2021, the hearing adjourned part heard and resumed on 6 April 2021.

On 7 April 2021, the Chairman made the following statement regarding the finding of facts:

“Ms Batool

The charges against you allege that you acted dishonestly towards your employer in respect of your health and your fitness for work, including providing your employer with medical letters and certificates which were not genuine and which had been created by you.

The hearing before the Committee was conducted remotely using Microsoft Teams.

The hearing commenced on 8 February 2021. You were neither present nor represented at that stage of the hearing. The Committee was satisfied that the notification of hearing had been served on you in accordance with the requirements of Rules 13 and 65 of the General Dental Council (Fitness to Practise) Rules 2006 and that it would be fair and in the public interest to proceed with the hearing, notwithstanding your absence. You had provided no satisfactory explanation or evidence to the Committee for your non-attendance which would have justified an adjournment or postponement of the hearing. The hearing was a remote hearing and you had been given ample notice of it. There was also nothing before the Committee to satisfy it that relisting the hearing would make your attendance any more likely.

Accordingly, the Committee proceeded in your absence and heard live evidence from Witnesses 1, 2, 5 and 7, called by the General Dental Council (GDC):

In the light of further communications received from you during the course of the GDC's evidence, the Committee determined that it would be fair and proportionate to adjourn the hearing upon the conclusion of the GDC's evidence on 10 February 2021 and to resume the

hearing on 6 April 2021. This was to allow you a further opportunity to participate in the hearing. The Committee directed that you be provided with a transcript of the hearing 8-10 February 2021 and that the GDC's witnesses be recalled should you have any questions to put to them.

At the resumption of the hearing on 6 April 2021 you confirmed that you did not have any questions to put to the GDC's witnesses. You formally admitted each of the charges against you and you gave oral evidence to the Committee regarding the circumstances in which you engaged in the conduct alleged against you. You confirmed to the Committee that you would be calling no other witnesses at this stage of the hearing.

The Committee accepted the advice of the Legal Adviser.

The burden is on the GDC to prove each allegation on the balance of probabilities.

Although you made admissions to all of the charges, the Committee deferred making any findings of fact until all the evidence had been heard.

The Committee found each of the witnesses called by the GDC to be credible and gave evidence to the best of their recollection. They had no reason to lie, exaggerate or misrepresent their accounts. Their evidence was uncontroversial and unchallenged by you. The Committee accepted their evidence.

The Committee also found your evidence generally to be frank and sincere. You admitted all the charges against you and did not seek to challenge the evidence called by the GDC. You stated that you accept whatever decision will ultimately be made about your registration and that your reason for attending the hearing was to provide an explanation to the GDC as to how and why you came to engage in the conduct alleged against you.

Having reviewed all the documentary and oral evidence, the Committee accepted each of your admissions. There was clear and cogent evidence that you had provided each of the letters and certificates in question to your employer, that these documents were not genuine and that they had been created by you. There was clear and cogent evidence that you had led your employer to believe that you had cancer when this was not true and that you had informed them that you had suffered a miscarriage, when this was not true.

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

1.	<i>You provided one or more of the following documents to your employer, Guy's and St Thomas' NHS Trust:</i>
1.(a)	<i>Letters purportedly from Kingston Hospital:</i>
1.(a)(i)	<i>Dated 18 January 2013 purportedly signed by Person A;</i> Admitted and found proved.
1.(a)(ii)	<i>Dated 18 January 2013 purportedly signed by Person B;</i> Admitted and found proved.
1.(a)(iii)	<i>Dated 23 September 2013;</i> Admitted and found proved.

1.(a)(iv)	<i>Dated 1 October 2013;</i> Admitted and found proved.
1.(a)(v)	<i>Dated 1 November 2013;</i> Admitted and found proved.
1.(a)(vi)	<i>Dated 8 November 2013;</i> Admitted and found proved.
1.(a)(vii)	<i>Dated 15 November 2013;</i> Admitted and found proved.
1.(a)(viii)	<i>Dated 22 November 2013;</i> Admitted and found proved.
1.(a)(ix)	<i>Dated 1 December 2013;</i> Admitted and found proved.
1.(a)(x)	<i>Dated 24 January 2014;</i> Admitted and found proved.
1.(a)(xi)	<i>Dated 5 March 2014;</i> Admitted and found proved.
1.(a)(xii)	<i>Dated 29 June 2014 or 29 May 2014 purportedly signed by Person B;</i> Admitted and found proved.
1.(a)(xiii)	<i>Dated 6 June 2014 purportedly from the "Department of gastroenterology";</i> Admitted and found proved.
1.(a)(xiv)	<i>Dated 6 June 2014 purportedly signed by Person B;</i> Admitted and found proved.
1.(a)(xv)	<i>Dated 10 June 2014;</i> Admitted and found proved.
1.(b)	<i>Letters purportedly from St Mark's Hospital:</i>
1.(b)(i)	<i>Dated 24 February 2014;</i> Admitted and found proved.

1.(b)(ii)	<i>Dated 4 January 2016;</i> Admitted and found proved.
1.(b)(iii)	<i>Dated 8 January 2016;</i> Admitted and found proved.
1.(b)(iv)	<i>Dated 15 January 2016;</i> Admitted and found proved.
1.(b)(v)	<i>Dated 5 February 2016;</i> Admitted and found proved.
1.(b)(vi)	<i>Dated 21 March 2016;</i> Admitted and found proved.
1.(b)(vii)	<i>Dated 2 December 2016;</i> Admitted and found proved.
1.(c)	<i>Letters purportedly from the Royal Marsden NHS Foundation Trust:</i>
1.(c)(i)	<i>Dated 30 April 2018 about an appointment on 3 May 2018;</i> Admitted and found proved.
1.(c)(ii)	<i>Dated 30 April 2018 about an appointment on 2 May 2018;</i> Admitted and found proved.
1.(c)(iii)	<i>Dated 30 April 2018 about an appointment on 1 May 2018;</i> Admitted and found proved.
1.(c)(iv)	<i>Dated 29 May 2018 about an appointment on 7 June 2018;</i> Admitted and found proved.
1.(c)(v)	<i>Dated 29 May 2018 about an appointment on 6 June 2018;</i> Admitted and found proved.
1.(c)(vi)	<i>Dated 20 July 2018;</i> Admitted and found proved.

1.(c)(vii)	<i>A letter dated 5 October 2018;</i> Admitted and found proved.
1.(c)(viii)	<i>A letter dated 8 October 2018 about an appointment with Person C;</i> Admitted and found proved.
1.(c)(ix)	<i>A letter dated 8 October 2018 about an appointment with Person D;</i> Admitted and found proved.
1.(c)(x)	<i>A letter dated 8 October 2018 about an appointment with Person E;</i> Admitted and found proved.
1.(d)	<i>Statement of fitness to work certificates purportedly issued by the E12 Health Centre:</i>
1.(d)(i)	<i>Dated 24 February 2016;</i> Admitted and found proved.
1.(d)(ii)	<i>Dated 18 March 2016;</i> Admitted and found proved.
1.(d)(iii)	<i>Dated 19 May 2016;</i> Admitted and found proved.
1.(d)(iv)	<i>Dated 8 August 2016;</i> Admitted and found proved.
1.(d)(v)	<i>Dated 6 October 2016;</i> Admitted and found proved.
1.(d)(vi)	<i>Dated 2 December 2016;</i> Admitted and found proved.
1.(d)(vii)	<i>Dated 10 December 2017;</i> Admitted and found proved.
1.(e)	<i>Statement of fitness to work certificates purportedly issued by the First 4 Health Group:</i>
1.(e)(i)	<i>Dated 21 February 2018;</i> Admitted and found proved.

1.(e)(ii)	<i>Dated 16 March 2018;</i> Admitted and found proved.
1.(e)(iii)	<i>Dated 3 April 2018;</i> Admitted and found proved.
1.(e)(iv)	<i>Dated 19 April 2018;</i> Admitted and found proved.
1.(e)(v)	<i>Three letters dated 9 May 2018;</i> Admitted and found proved.
1.(e)(vi)	<i>Two letters dated 13 June 2018;</i> Admitted and found proved.
1.(e)(vii)	<i>Dated 17 August 2018;</i> Admitted and found proved.
1.(e)(viii)	<i>Dated 24 December 2018;</i> Admitted and found proved.
1.(e)(ix)	<i>Dated 17 January 2019;</i> Admitted and found proved.
1.(e)(x)	<i>Two letters dated 22 January 2019.</i> Admitted and found proved.
2.	<i>One or more of the documents set out at 1 above were not genuine and were created by you.</i> Admitted and found proved.
3.	<i>You provided false information to your employer, Guy's and St Thomas' NHS Trust, about the reasons for your sickness leave, in that:</i>
3.(a)	<i>For periods from around January 2013 to around October 2018 you led your employer to believe that you had cancer when this was not true;</i> Admitted and found proved.
3.(b)	<i>In or around January 2019, you informed your employer that you had had a miscarriage when this was not true.</i> Admitted and found proved.
4.	<i>Your actions at 1 and/or 2 and/or 3 above were:</i>

4.(a)	<p>AMENDED TO READ: <i>Misleading; and/or</i></p> <p>Admitted and found proved.</p> <p>This charge was admitted and found proved in respect of your actions at 1, 2 and 3 above. Your employer was plainly misled by your actions.</p>
4.(b)	<p><i>Dishonest.</i></p> <p>Admitted and found proved.</p> <p>This charge was admitted and found proved in respect of your actions at 1, 2 and 3 above. These actions were not isolated or spontaneous but were repeated over a considerable period of time. They were deliberate and calculated, involving the falsification of official documents and research into symptoms and recovery times. It was your intention to mislead your employer and such conduct would clearly be regarded as dishonest by the ordinary standards of reasonable and honest people. You admit that you acted dishonestly and that your intention was to mislead your employer.</p>

We move to Stage Two”.

On 09 April 2021, the Chairman announced the determination as follows:

“Ms Batool,

Between 2013 and 2019 you provided your NHS Trust employer within excess of 50 medical letters and certificates which were not genuine, and which had been created by you. In those documents you forged the letterheads of the hospitals and clinics where you claimed to be receiving treatment and you forged the names and signatures of the medical practitioners you claimed were treating you. You constructed the detailed content of the letters following research into the symptoms and complications of the conditions from which you claimed to be suffering. You used these documents in support of extended periods of sickness absence in respect of which you also received sick pay from your employer.

From 2013 until 2018 you led your employer to believe through these documents that you had cancer of the colon when in fact you did not have cancer. You subsequently claimed to have bowel cancer during discussions with your manager. In 2019 you also told your employer that you had suffered a miscarriage when in fact you had not.

Your conduct was dishonest.

At this stage of the proceedings the Committee will decide whether the facts found proved amount to misconduct and, if so, whether your fitness to practise as a dental nurse is currently impaired by reason of that misconduct. If the Committee finds current impairment it will then decide on what sanction, if any, to impose on your registration.

The Committee heard the submissions made on behalf of the General Dental Council (GDC) by Ms St Aubyn and the submissions you made on your own behalf.

Ms St Aubyn submitted that the facts found proved amount to misconduct, that your fitness to practise as a dental nurse is currently impaired by reason of that misconduct and that the appropriate outcome in this case is that of erasure.

You did not contest Ms St Aubyn's submissions, stating that you considered your conduct to be unacceptable and that you did not believe you "deserve to remain on the register". You stated you would respect whatever decision the Committee reaches about your registration and that your reason for participating in the hearing was not to contest matters. You explained that you were attending the hearing out of respect for the proceedings and also to provide your regulator with an explanation for the context in which your dishonesty occurred.

Misconduct

The first consideration for the Committee was whether the facts found proved amount to misconduct. Misconduct is a serious falling short of the standards reasonably expected of a dental professional. It can be characterised as conduct which fellow members of the profession would regard as "deplorable". In deciding whether the facts found proved amount to misconduct, the Committee had regard to the following principles from *Standards for the Dental Team* (September 2013):

1.3 You must be honest and act with integrity

1.3.1 You must justify the trust that patients, the public and your colleagues place in you by always acting honestly and fairly in your dealings with them. This applies to any business or education activities in which you are involved as well as to your professional dealings.

1.3.2 You must make sure you do not bring the profession into disrepute.

1.7 You must put patients' interests before your own or those of any colleague, business or organisation

6.1 You must work effectively with your colleagues and contribute to good teamwork.

9.1 You must ensure that your conduct, both at work and in your personal life, justifies patients' trust in you and the public's trust in the dental profession

9.2.2 You must not rely on your own assessment of the risk you pose to patients. You should seek occupational health advice or other appropriate advice as soon as possible.

In the Committee's judgment, there have been substantial breaches of each of these standards. Your dishonesty was at the extreme end of seriousness. It was dishonesty which was sustained over a period of years to your employer, both by your lying during discussions with your manager and through the numerous medical documents which you forged with great care and skill. You carefully researched the symptoms and complications of the conditions from which you claimed to be suffering, so that you could report these in the forged documents, in order to provide a more convincing account to your employer. Your dishonesty involved abusing the trust your employer and colleagues placed in you as a dental professional.

The Committee determined that the facts found proved amount to misconduct.

Impairment

The next consideration for the Committee was whether your fitness to practise as a dental nurse is currently impaired by reason of your misconduct. The Committee had regard to whether your misconduct is remediable, whether it had been remedied and the risk of repetition. The Committee also had regard to the wider public interest, which includes the upholding and declaring of appropriate standards of conduct and behaviour and the maintenance of public confidence in the profession.

The Committee determined that your misconduct, in its proper context, engages the wider public interest, rather than there being any discernible risk of harm to the public. You abused your employment as a dental nurse to deceive your employer over a period of six years through numerous carefully forged medical documents and by lying during discussions with your manager. Your dishonesty was premeditated. It required a considerable degree of planning and involved a high-level of deceit. Your dishonesty was repeated over a period of years and only stopped when you were caught. There is evidence before the Committee that you were in fact suffering from another adverse health condition at the time. On your account, you misled your employer into believing you had cancer and, subsequently, a miscarriage, in order to conceal the actual adverse health condition from which you were suffering. This is a deeply sensitive and unfortunate case in the Committee's view. However, there is no evidence before the Committee that your adverse health condition was such that you were unable to understand the consequences and significance of your actions, or that what you were doing was wrong. Your dishonesty did not occur in the moment, nor was it isolated: it involved considerable planning and a high level of deceit sustained over a period of years through the careful and skilled forgery of numerous medical documents, through the careful research into the symptoms and complications of the conditions from you were falsely claiming to suffer and by repeatedly lying to your manager during discussions with her.

In the Committee's judgment, you have engaged a pattern of serious and repeated dishonest conduct which has destroyed the ability of both the regulator and fellow members of the profession to rely upon your honesty and integrity: the GDC can no longer place its trust in you as a dental professional.

Public confidence in the profession and this regulatory process would be undermined if no finding of impairment were made.

Accordingly, the Committee determined that your fitness to practise as a dental nurse is currently impaired by reason of your misconduct.

Sanction

The purpose of a sanction is not to be punitive, although it may have that effect, but to protect the public and the wider public interest. The Committee considered sanction in ascending order of severity.

To conclude this case with no further action or a reprimand would be wholly inappropriate, given the seriousness of your misconduct.

The Committee next considered whether to direct that your registration be made subject to your compliance with conditions. The Committee could not identify any conditions which would be workable, measurable and proportionate, owing to the nature of your misconduct and its seriousness.

The next consideration for the Committee was whether to direct that your registration be suspended for a period of up to 12 months, with or without a review. The Committee determined that the facts of this case are too serious for a period of suspension to be the appropriate outcome. You have demonstrated conduct over a period of years which is highly damaging to the reputation of the profession and which is fundamentally incompatible with your remaining on the Dental Care Professionals (DCP) register. In the Committee's judgment, erasure is the only proportionate and appropriate outcome in the circumstances of this case, in order to uphold and declare appropriate standards of conduct and behaviour and to maintain public confidence in the profession.

Accordingly, the Committee directs that the name of Maryam Batool be erased from the DCP register under the title of Dental Nurse.

The Committee now invites submissions on the question of an immediate order.

The Committee is satisfied that it is otherwise in the public interest order that your registration be suspended forthwith under s 36U(1) of the Dentists Act 1984. It would be inconsistent with the decision the Committee has made not to make an immediate order.

The effect of this decision is that your registration is now suspended. Unless you exercise your right of appeal, your name will be erased in 28 days' time. Should you exercise your right of appeal this immediate order shall remain in force pending the disposal of the appeal.

That concludes the hearing".