

ON PAPERS

Health Committee Review Hearing

10 June 2025

Name: MOULD, Kelly
Registration number: 141773
Case number: CAS-195613-G4B2W0

General Dental Council: Instructed by Sarah Barker, IHLPS

Registrant: Unrepresented

Fitness to practise: Impaired by reason of health
Outcome: Suspension extended (with a review)
Duration: 12 months

Committee members: Val Evans (Lay, Chair)
Melissa Oura (Dentist)
Pamela Machell (Dental Care Professional)

Legal adviser: Valerie Paterson

Committee Secretary: Andrew Keeling

At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.

1. This was a resumed hearing pursuant to Section 36Q of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing was for this Health Committee (HC) to review Miss Mould's case and determine what action to take in relation to her registration. Neither party was present nor represented today. The General Dental

Council (GDC) requested that the hearing be conducted on the papers and has provided written representations.

2. The hearing was held remotely on Microsoft Teams.
3. The Committee first considered the issues of service and whether to proceed with the hearing in the absence of Miss Mould. The Committee heard and accepted the advice of the Legal Adviser.

Preliminary Matters

Decision on Service of the Notice of Hearing

4. The Committee first considered whether notice of the hearing had been served on Miss Mould in accordance with Rules 28 and 65 of the GDC's Fitness to Practise Rules 2006 ('the Rules') and Section 50A of the Act. The Committee received from the GDC an indexed hearing bundle, which contained a copy of the Notice of Hearing ('the notice'), dated 24 April 2025, thereby complying with the 28-day notice period. The notice was sent by special delivery and first-class post to Miss Mould's registered address and also to her last-known address. The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. However, it noted from the Royal Mail '*Track and Trace*' receipt, also provided in the bundle, that the notice was delivered on 25 April 2025 to Miss Mould's last-known address. The notice was also emailed to Miss Mould on 24 April 2025.
5. The Committee was satisfied that the notice sent to Miss Mould contained proper notification of today's hearing, including its time, date and that it will be conducted remotely by Microsoft Teams, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in Miss Mould's absence.
6. On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Miss Mould in accordance with the Rules and the Act.

Decision on Proceeding in the Registrant's Absence

7. The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Miss Mould. The Committee approached the issue of proceeding in absence with the utmost care and caution. It took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones [2003] 1 AC 1HL* and as explained in the cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis [2016] EWCA Civ 162*. It remained mindful of the need to be fair to both Miss Mould and the GDC, taking into

account the public interest and Miss Mould's own interests in the expeditious review of the suspension order imposed.

8. The Committee noted that there has been no response from Miss Mould to the notice or to the several emails from the GDC in respect of this hearing. The Committee noted that Miss Mould has a history of non-engagement with the GDC and her last meaningful engagement with this process was in February 2024. The Committee concluded, therefore, that Miss Mould has voluntarily absented herself from today's hearing and that it was unlikely, given her history of non-engagement, she would attend any future hearing if this were to be adjourned. The Committee was also mindful that the suspension order expires in July 2025.
9. In those circumstances, the Committee determined that it was fair and appropriate to proceed with the hearing in the absence of Miss Mould.

Background

10. This was the third review of a substantive order initially imposed by the Health Committee on Ms Mould's registration in September 2022. Miss Mould did not attend and was not represented at the initial hearing. At that hearing in September 2022, the Committee found proved that Miss Mould had an [PRIVATE]. It also found proved that Miss Mould failed to co-operate with an investigation conducted by the GDC by not attending a health assessment commissioned by the GDC on 29 July 2021 and that this amounted to misconduct.

11. [PRIVATE].

12. In respect of Miss Mould's failure to co-operate with the GDC's investigation, that Committee concluded that although her health condition may have affected her readiness to communicate with the GDC, her sporadic engagement with the proceedings demonstrated a lack of insight and showed that the misconduct had not been remediated. It also demonstrated a disregard for the GDC's important role in the protection of the public.
13. That Committee concluded that a reasonable and informed member of the public, fully aware of the facts of the case, would lose confidence in the profession and the dental regulator if a finding of impairment were not made in the circumstances of this case.
14. Accordingly, that Committee determined that Miss Mould's fitness to practise was currently impaired by reason of her adverse health and her misconduct.
15. In respect of sanction, that Committee determined that the most appropriate and proportionate sanction was one of suspension for a period of 12 months, with a review hearing before the expiry of the order. It also stated that a reviewing committee might be assisted by "*up-to-date evidence of Ms Mould's health*".

16. The Health Committee reviewed Miss Mould's case at the resumed hearing that took place between 27 and 29 September 2023. Miss Mould attended the hearing but was not represented.
17. At that hearing, the Committee noted that since the substantive order had been imposed, [PRIVATE]. It determined that she had demonstrated insight into her previous failure to engage and had now engaged fully with the process and the regulator. Therefore, that Committee concluded that Miss Mould's fitness to practise was no longer impaired by reason of her misconduct.
18. When considering Miss Mould's adverse health, that Committee determined that [PRIVATE]. However, it determined that due to [PRIVATE], her fitness to practise remained impaired by reason of her adverse health.
19. When considering sanction, that Committee took into account that [PRIVATE]. Accordingly, that Committee determined that it would be appropriate to replace the suspension order with a conditions of practice order for a period of 12 months with a review hearing before the expiry.
20. That Committee also noted that the next reviewing Committee may benefit from Miss Mould demonstrating the following:
 - [PRIVATE];
 - An up-to-date CPD (Continuing Professional Development) and PDP (Personal Development Plan) in order to maintain [her] skills (if [she wished] to return to dental nursing);
 - [PRIVATE] and,
 - References and/or testimonials including from [her] current or recent employers.
21. Miss Mould's case was most recently reviewed at a resumed hearing that took place between 11 and 12 July 2024. Miss Mould did not attend the hearing and was not represented.
22. That Committee noted that Miss Mould had not engaged with the GDC since February 2024 and there had been no up-to-date report on her health since the conclusion of the previous review hearing. Furthermore, that Committee noted that as a result of her non-engagement with the GDC Miss Mould had not provided any of the recommended information outlined at the previous hearing. That Committee determined, therefore, that Miss Mould's fitness to practise remained currently impaired by reason of her adverse health.
23. In respect of sanction, that Committee determined that Miss Mould had breached her conditions as [PRIVATE]. Therefore, that Committee determined that the current conditions were no longer workable or appropriate to achieve the over-arching

objective to protect the public, both in terms of the safety of the public and maintaining public confidence in the profession. Accordingly, that Committee determined to revoke the conditions on Miss Mould's registration and replace it with a suspension order for 12 months with a review hearing to take place before the expiry. An immediate order of suspension was also imposed to cover the appeal period.

Today's Review

24. In its written representations, the GDC submitted that there was no evidence to show any material change in position since the last hearing. It submitted that Miss Mould has continued not to engage with the GDC or the regulatory process. Therefore, it submitted that there was no evidence regarding Miss Mould's current state of health or whether she has developed any insight into her health condition. Therefore, the GDC submitted that Miss Mould's fitness to practise remained impaired by reason of her adverse health.
25. The GDC submitted that an order of conditions remains wholly inappropriate as there is no evidence to suggest that conditions would be workable in the circumstances. The GDC submitted, therefore, that it would be appropriate and proportionate for a further period of suspension to be imposed for 12 months.

Decision on Impairment

26. In making its decision, the Committee first sought to determine whether Miss Mould's fitness to practise is still impaired by reason of her health. It exercised its independent judgement and was not bound by the decision of the previous committees. It balanced Miss Mould's needs with those of the public and bore in mind that its primary duty is to protect the public, including by maintaining public confidence in the profession and declaring and upholding proper standards and behaviour.
27. The Committee noted that there has been no engagement with these proceedings by Miss Mould since the previous review hearing in July 2024. Consequently, the Committee has no evidence regarding her current health status, whether her health is improving or whether she has shown any insight into her health condition. [PRIVATE]. The Committee also noted that the GDC emailed Miss Mould on 24 February 2025 and 10 March 2025 to invite her to undergo a health assessment, but no response was received. The Committee concluded that the concerns about her health have not been addressed.
28. The Committee therefore determined that Ms Mould's fitness to practise remains currently impaired by reason of her adverse health.

Committee's Decision on Sanction

29. The Committee next considered what sanction should be imposed on Miss Mould's registration. It bore in mind the need to protect patients and the public interest. The Committee once again had regard to the principle of proportionality, weighing the interests of the public with Miss Mould's own interests.
30. The Committee was satisfied that taking no action and allowing the current suspension order to expire would not protect the public. The Committee was also satisfied that imposing conditions would not be workable owing to Ms Mould's continuing non-engagement with these proceedings. Furthermore, the Committee was mindful that when an order of conditions was previously imposed on Miss Mould's registration in September 2023 she did not comply with them.
31. The Committee therefore determined that only a further period of suspension would be appropriate and proportionate in the circumstances of this case. The Committee determined that the suspension should be for a further 12 months to allow Miss Mould sufficient time to engage with the GDC's investigation and provide evidence in respect of her up-to-date health status and her insight into her health condition. The Committee further determined that there should be a review hearing before its expiry
32. Miss Mould has 28 days, from the date that notice is deemed to have been served upon her, to appeal this Committee's direction. Unless Miss Mould exercises her right of appeal, the current suspension order on her registration will be extended by a period of 12 months from the date that the current order would otherwise expire. In the event that Miss Mould does exercise her right of appeal, the current suspension order will remain in force until the resolution of the appeal.
33. That concludes this hearing.