

HEARING HEARD IN PUBLIC

LYMER, Karen

Registration No: 157562

PROFESSIONAL CONDUCT COMMITTEE

APRIL 2018 – APRIL 2020

Most recent outcome: Suspension extended indefinitely **

** See page 9 for the latest determination

Karen LYMER, a dental nurse, Qual- National Certificate NEBDN 2005 was summoned to appear before the Professional Conduct Committee on 3 April 2018 for an inquiry into the following charge:

Charge

“That being a registered dental care professional:

1. On 23 September 2016, you misappropriated money from MyDentist.
2. Your conduct as set out in allegation 1 was:
 - a. Misleading;
 - b. Dishonest, in that you knew you did not have permission to take the money from MyDentist.
3. Between 23 September 2016 and 29 September 2016, you provided false information to MyDentist employees in relation to the misappropriated money.
4. Your conduct as set out in allegation 3 was:
 - a. Misleading;
 - b. Dishonest, in that you knew you had misappropriated money from MyDentist when providing this false information.

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

On 3 April 2018 the Chairman made the following statement regarding the finding of facts:

“Ms Lymer

Admissions

You admitted all of the head of charges at the outset of the hearing. The Committee deferred making any findings of fact in respect of any of the admitted heads of charge until all the relevant evidence had been adduced by both parties.

General Background

You were employed as a nurse/receptionist at the Bracknell practice, My Dentist for three years from 9 September 2013 to 10 October 2016. It is alleged that you had taken the daily cash taking for Thursday 22 September 2016 totalling £291.49p.

On Friday 23 September 2016 in the presence of a colleague JB, you had completed a daily cash management form and self-certified that the takings of Wednesday 21 September 2016 and Thursday 22 September 2016 were placed in the practice safe. These takings were due to be sent to the bank, however, as you could not drive, you had informed your colleague JB that the practice was out of cash deposit bags and asked her to only take the takings for Wednesday 21 September 2016 and bring some deposit takings bags back from the bank. You notified JB that you would place the takings from Thursday 22 September 2016 into a sterilisation pouch, which you would put in a safe at the practice.

Upon her return from the bank with some new deposit taking bags, JB had asked you to transfer the money from the sterilisation pouch to the deposit takings bag and for this to be placed in the safe. However, when JB had arrived home from work that day, she had realised that she had not checked whether these takings were in the safe.

Over the next 24 hours colleague JB, who was at home during the weekend, texted another colleague EM, and asked for the safe to be checked. Colleague EM later confirmed that the takings for Thursday 22 September 2016 were not in the safe. These were reported missing by JB shortly afterwards to a senior colleague.

During an internal investigation into these matters, on two occasions it is alleged that you gave false information to two colleagues. Over the course of the investigation, during a conversation with a senior colleague you subsequently admitted that you had taken the missing cash from Thursday 22 September 2016 amounting to £291.49p. You had stated that as this was before pay day, you had borrowed this as you had needed the money to pay for food and to redeem your Ipad from Cash Converters, and had intended to return all the monies by going to the cash point prior to work on Monday 26 September 2016. You were subsequently dismissed from MyDentist, who then referred the matter to the GDC.

Evidence

On behalf of the GDC, the Committee read, and you accepted, the entire witness statements of JB, DM, DG, and LM taken in chief. In your defence it heard oral evidence from you.

The Committee found your evidence to be credible and honest in accordance with your recollection of events.

Further, the Committee was provided with a number of documents submitted by the GDC, including witness statements and documentary exhibits.

Committee's findings of fact

The Committee has taken into account all of the evidence presented to it, both written and oral. It has also considered the submissions made by both parties.

The Committee has accepted the advice of the Legal Adviser. In accordance with that advice it has considered each head of charge separately. The Committee has been reminded that the burden of proof rests with the GDC and has considered the heads of charge on the civil standard of proof, that is to say, the balance of probabilities.

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

| | |
|-------|---|
| 1. | Admitted and found proved. |
| 2. a) | Admitted but not proved. The charge 1 contains the word misappropriated. The Committee considers that an action of misappropriation cannot be considered as misleading and therefore finds this charge not proved. |
| 2. b) | Admitted and found proved. |
| 3. | Admitted and found proved. |
| 4. a) | Admitted and found proved. |
| 4. b) | Admitted and found proved. |

We move to Stage Two.”

On 3 March 2018 the Chairman announced the determination as follows:

“Ms Lymer

The Committee’s tasks at this second stage of the hearing have been to decide whether your fitness to practise is currently impaired and if so, what sanction to impose on your registration. The Committee considered all the evidence before it. It took account of the submissions made by Mr Middleton on behalf of the General Dental Council (GDC) and those made by you. It also accepted the advice of the Legal Adviser.

Misconduct

The Committee has had regard to *Standards for the Dental Team*, the guidance that was in place at the relevant time.

Having made its findings of fact, the Committee considered whether these findings amounted to misconduct. In order to make a finding of misconduct the Committee must be satisfied that your actions fell below the appropriate standard and that the falling short was serious.

The Committee was of the view that dishonesty is a matter of the utmost significance in a health professional, in whom patients and the public place their trust to demonstrate integrity in all their dealings. The standards are in place to protect the public and to maintain the reputation of the profession. The Committee is therefore of the view that your breach of those standards in misappropriating monies from your employer, and subsequently providing false information to their investigation is behaviour of a kind which your fellow dental professionals would consider deplorable.

The Committee concluded that your behaviour directly contravened the standards referred to. Your dishonest conduct also violated trust amongst colleagues. You had attempted to conceal your actions and the Committee considered that your actions could damage the reputation of the profession. The Committee also noted that whilst monies were only misappropriated on one occasion there was subsequent dishonest behaviour. The Committee considers that such behaviour taken separately and more so collectively would be deplorable to fellow members of the profession and severely undermine public confidence in the profession.

In all the circumstances, the committee was satisfied that your misleading and dishonest conduct represented a serious falling short of what was expected of a registered dental

professional. Accordingly, it has determined that the facts found proved in relation to this particular matter amount to misconduct.

Impairment

The Committee next considered whether your fitness to practise is currently impaired by reason of your misconduct.

The Committee was of the view that this dishonesty is highly likely to damage public confidence in the profession. The Committee considers that taking money from your employer for your own personal gain is a serious matter. The Committee was of the view that dishonesty is not easily remediable given that dishonesty demonstrates an attitudinal problem.

The Committee has not been furnished with any correspondence or documentation by you which shows insight or remediation. However, you have given full admissions to the heads of charges including those of dishonesty. The Committee was of the view that this was theft from your employers rather than a debt you owed. You have stated that you do not intend to work in dentistry again. The Committee concluded that your dishonesty did bring the profession into disrepute and breached fundamental tenets of the profession.

The Committee has borne in mind that it must not only protect patients and colleagues but also take into account the wider public interest, which includes maintaining confidence in the dental profession and the GDC as its regulator and upholding proper standards and behaviour. The misconduct identified in this case was, in the view of the Committee, so serious that the need to uphold proper professional standards and public confidence in the profession would be significantly undermined if a finding of impairment were not made in the particular circumstances of this case

In the absence of any evidence of full insight and remediation, the Committee considered that there is a potential that you could repeat your misconduct. In all the circumstances, the Committee decided that a finding of impairment is required to uphold standards within the dental profession and to maintain public confidence.

Accordingly, the Committee has determined that your fitness to practise is currently impaired by reason of your misconduct.

Decision on sanction

The Committee considered what sanction, if any, to impose on your registration. In reaching its decision, the Committee took into account the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016)*' ('the Guidance'). It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect the public interest. The Committee applied the principle of proportionality, balancing the public interest with your own interests.

In its consideration of the appropriate sanction, the Committee took into account the following aggravating and mitigating features it identified in this case.

Aggravating:

- financial gain
- abused trust of colleagues
- monies never recovered
- repetition of dishonest behaviour

Mitigating:

- the time elapsed since the misconduct
- no direct harm to patients
- admissions to the charges
- no other fitness to practise history.

Taking these factors into account, the Committee considered the sanctions available to it, starting with the least restrictive.

In view of the seriousness of its findings in this case, the Committee decided that it would be inappropriate to conclude the case without taking any action in relation to your registration. It considered that such an outcome would not serve to maintain public confidence in the dental profession.

The Committee considered whether to issue you with a reprimand. The Committee concluded that a reprimand would not reflect the gravity of the matters in this case and would therefore be insufficient. It also had regard to your lack of insight and its outstanding concerns about the risk of repetition.

The Committee went on to consider whether to impose conditions on your registration. It decided however, that the issues raised in this case, which include dishonesty, could not be appropriately addressed by way of conditional registration. It also noted that you are not practising in dentistry and have no intention to do so and therefore conditions would not be workable.

The Committee went on to consider whether to suspend your registration. In so doing, it had regard to the serious nature of the findings against you.

Although the Committee has given serious consideration to whether it would be appropriate to remove your name from the Register, it is satisfied that a period of suspended registration is a sufficient and proportionate sanction for the purposes of marking the seriousness of your offending behaviour. It will also declare and uphold proper professional standards and protecting public trust and confidence in the profession and the regulatory process governing it.

In reaching this decision, the Committee has again paid careful regard to the particular circumstances of this matter. As well as reminding itself of the mitigating and aggravating factors set out above, the Committee has heard that you expressed a real and profound understanding of the impact that your actions have had. The Committee accepts that your offending behaviour, as serious as it is, is not suggestive of an inherent disregard for proper standards of behaviour. The behaviour was not premeditated but appears to have arisen as the result of a particular set of personal circumstances. The Committee is satisfied that your behaviour was not persistent nor repeated other than in relation to the investigation into your initial dishonesty. You have engaged with the process and have apologised for your dishonest behaviour. You have stated that you intended to pay the monies back and that it was not your intention to deprive anybody. The Committee therefore considers that the necessary degree of protection for the public interest considerations referred to above can be secured by the imposition of a period of suspension, and that to impose the higher and ultimate sanction of erasure would not be commensurate in the particular circumstances of this case.

The Committee has decided that your registration should be suspended from the register for a period of twelve months. The Committee is satisfied that a reasonable and informed member of the public would be satisfied that a period of suspension of twelve months is proportionate given all the circumstances of this particular case, and that the wider public interests engaged by this case can be adequately met by such a period.

The Committee has determined that the suspension should be reviewed before its expiry.

The Committee hereby directs that your registration be suspended for a period of twelve months.

The Committee now invites submissions from Mr Middleton and from you, as to whether your registration should be suspended immediately, pending its substantive determination taking effect.”

“Having directed that you will be suspended from the register, the Committee considered whether to impose an order for immediate suspension in accordance with section 36U of the Dentists Act 1984 (as amended).

The Committee took into account the submissions of Mr Middleton on behalf of the GDC and those from you. It accepted the advice of the Legal Adviser.

In its deliberations, the Committee had regard to the guidance.

The Committee has borne in mind that its reasons for finding current impairment and directing that your registration be suspended are based solely on the grounds of the wider public interest. There are no issues of concern in relation to your behaviour posing a risk to patients or any concerns relating to your clinical practice. The Committee has determined that it is not necessary nor in the public interest to impose an immediate order of suspension on your registration.

Unless you exercise your right of appeal, the Committee's substantive direction for the suspension of your registration for a period of twelve months, as already announced, will take effect 28 days from the date when notice is deemed to have been served upon you.

That concludes this hearing.”

At a review hearing on 10 April 2019 the Chairman announced the determination as follows:

“This is a resumed hearing pursuant to Section 36Q of the Dentists Act 1984 (as amended) (‘the Act’) to review the order of suspension imposed on Ms Lymer’s registration by the Professional Conduct Committee (PCC) in March 2018.

Service and Proceeding in absence

This is the first review hearing of Ms Lymer’s case before the Professional Conduct Committee (PCC). The hearing is being held pursuant to section 36Q of the Dentists Act 1984 (as amended) (the Act). Ms Lymer was neither present nor represented.

The Committee first considered whether notice of the hearing had been served on Ms Lymer in accordance with the Rules. It was provided with a copy of the Notification of Hearing letter, dated 11 March 2019. A copy of the letter was also sent to her by email.

The Committee was satisfied that the letter contained proper notification of today’s hearing, including its date, time and location, as well as notification that the Committee may proceed

with the hearing in the absence of Ms Lymer. The Committee was satisfied that notice of the hearing had been served on Ms Lymer in accordance with the Rules.

The Committee then went on to consider whether to proceed in the absence of Ms Lymer and on the papers. It has considered the GDC's written submissions which invites the Committee to do so.

There is nothing before the Committee today to suggest that Ms Lymer might attend the hearing on a future occasion. In these circumstances, the Committee concluded that Ms Lymer has voluntarily absented herself from today's hearing. In addition, the Committee considers that there is a clear public interest in reviewing the order today, given its imminent expiry. Accordingly, the Committee has determined that it is fair to proceed with today's review hearing on the basis of the papers and in the absence of both parties. The GDC reminds the Committee that the current suspension order needs to be reviewed before its expiry on 3 May 2019.

Background

Ms Lymer was employed as a nurse/receptionist at the Bracknell practice, My Dentist for three years from 9 September 2013 to 10 October 2016. Ms Lymer had taken the daily cash taking for Thursday 22 September 2016 totalling £291.49p. During an internal investigation into these matters, on two occasions Ms Lymer gave false information to two colleagues. Over the course of the investigation, during a conversation with a senior colleague she subsequently admitted that she had taken the missing cash from Thursday 22 September 2016 amounting to £291.49p. Ms Lymer had stated that as this was before pay day, she had borrowed this as she had needed the money to pay for food and to redeem her iPad from Cash Converters, and had intended to return all the monies by going to the cash point prior to work on Monday 26 September 2016. Ms Lymer was subsequently dismissed from MyDentist, who then referred the matter to the GDC.

That Committee in March 2018 found that her conduct directly contravened the GDC *Standards for the Dental Team*. Her dishonest conduct also violated trust amongst colleagues. Ms Lymer had attempted to conceal her actions and the Committee considered that her actions could damage the reputation of the profession. The Committee also noted that whilst monies were only misappropriated on one occasion there was subsequent dishonest behaviour. The Committee considered that such behaviour taken separately and more so collectively would be deplorable to fellow members of the profession and severely undermine public confidence in the profession.

That Committee was of the view that Ms Lymer's conduct was in breach of a number of standards of the profession and those breaches were serious, fundamental to the profession and capable of undermining public confidence in the profession. In addition, it was of the view that the dishonest conduct represented a serious departure from the standards expected of a registered dental care professional. It determined that the facts found proved amounted to misconduct.

In relation to impairment, the previous Committee was of the view that dishonesty is not easily remediable given that dishonesty is a matter of character rather than of clinical practice. That Committee observed that it had limited evidence from Ms Lymer to demonstrate any steps she may have taken to remedy the failings identified. It was not satisfied with her level of insight and found that there was a risk of repetition. It determined that her fitness to practise was impaired by reason of her misconduct and directed that her registration be suspended for a period of 12 months with a review prior to the expiry of the order.

Today's review

Today this Committee has comprehensively reviewed Ms Lymer's case taking account of all the evidence presented. It has also taken account of the written submissions made by the GDC. The Committee accepted the advice of the Legal Adviser.

The Committee has considered whether Ms Lymer's fitness to practise remains impaired. In doing so, the Committee has exercised its independent judgement. Throughout its deliberations, it has borne in mind that its primary duty is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.

The Committee notes that Ms Lymer has not engaged since the initial hearing and has failed to provide any evidence of insight or remediation.

The Committee noted that there is a persuasive burden on Ms Lymer to demonstrate that her fitness to practise is no longer impaired.

The Committee considered Ms Lymer's order of suspension. The Committee was satisfied that there was no evidence that she had breached the terms of the order. The Committee also had regard to the lack of engagement by her. The Committee noted that the previous Committee identified that Ms Lymer had failed to demonstrate evidence of full insight and remediation. This Committee notes that there has been no material change since the last hearing in March 2018, and Ms Lymer has failed to provide evidence of further insight and remediation into her failings.

The Committee was not reassured that the issues identified by the previous Committee would not be repeated. It considered that Ms Lymer's continued lack of sufficient insight and remediation indicates that there remains a risk of repetition.

The Committee is therefore satisfied that Ms Lymer's fitness to practise remains impaired. The Committee also considers that a finding of impairment is required for wider public interest reasons, namely, to declare and uphold proper professional standards of conduct and behaviour and to maintain public trust and confidence in the profession.

Sanction

The Committee then considered what, if any, sanction to impose in this case. The Committee was aware of the range of sanctions available to it and that it must consider the sanctions in order from the least serious.

The Committee notes the GDC submissions that if the Committee were to find that Ms Lymer's fitness to practise remains impaired, the Committee should consider extending the current order of suspension on Ms Lymer's registration for a further period.

The Committee was aware that it should have regard to the principle of proportionality, balancing the public interest against Ms Lymer's own interests. The public interest includes the protection of the public, the maintenance of public confidence in the profession, and declaring and upholding standards of conduct and performance within the profession.

The Committee noted its powers under Section 36Q of the Act. The Committee had the power to extend the current order for a maximum period of 12 months. Alternatively, it could revoke the suspension order, or replace the order with a conditions of practice order for up to 3 years.

The Committee first considered whether it would be appropriate to allow the current order to lapse at its expiry or to revoke it with immediate effect. The Committee considered that given

all of the information before it, it would not be appropriate to revoke the current order or to allow it to lapse, as this would not protect the public nor would it be in the public interest.

The Committee then considered whether a conditions of practice order would be an appropriate order in this case. In the light of the nature of the misconduct and Ms Lymer's lack of engagement, the Committee was of the view that conditions of practice are not feasible. The Committee therefore considered that this would not be an appropriate order.

The Committee considered whether extending the period of suspension was the appropriate and proportionate response in this case. The Committee determined that the only appropriate and proportionate sanction in this case is to extend the suspension order for a further period of 12 months with a review.

In view of the wider public interest, as well as the absence of substantial evidence of remediation, the Committee hereby directs that Ms Lymer's registration be suspended for a further period of 12 months. This period of time is required to give Ms Lymer a further opportunity to demonstrate sufficient insight into, and remediation of, the matters that have precipitated these proceedings, and is commensurate with the serious nature of this case and the attendant risks to public confidence.

In accordance with section 36Q of the Act this extended period of suspended registration will take effect from the date on which the existing period of suspension would otherwise expire. The Committee has also determined that the further suspension order should be reviewed prior to its expiry.

That concludes this case for today."

At a review hearing on 9 April 2020 the Chairman announced the determination as follows:

"This is a resumed hearing of Ms Lymer's case.

Ms Lymer is neither present nor represented. Mr Middleton of the GDC's In-House Legal Prosecution Service appears for the Council.

Service and Proceeding in absence

This is the second review hearing of Ms Lymer's case before the Professional Conduct Committee (PCC). The hearing is being held pursuant to section 36Q of the Dentists Act 1984 (as amended) (the Act).

The Committee first considered whether notice of the hearing had been served on Ms Lymer in accordance with the Rules. It was provided with a copy of the Notification of Hearing letter, dated 4 March 2020. A copy of the letter was also sent to her by email.

The Committee was satisfied that the letter contained proper notification of today's hearing, including its date, time and location, as well as notification that the Committee may proceed with the hearing in the absence of Ms Lymer. The Committee was satisfied that notice of the hearing had been served on Ms Lymer in accordance with the Rules.

The Committee then went on to consider whether to proceed in the absence of Ms Lymer. It has considered Mr Middleton's submissions which invites the Committee to do so.

There is nothing before the Committee today to suggest that Ms Lymer might attend the hearing on a future occasion. Ms Lymer has not engaged in these proceedings since 2018 and there is no evidence that she is likely to do so in the future. In these circumstances, the Committee concluded that Ms Lymer has voluntarily absented herself from today's hearing.

In addition, the Committee considers that there is a clear public interest in reviewing the order today, given its imminent expiry. Accordingly, the Committee has determined that it is fair to proceed with today's review hearing.

Background

Ms Lymer was employed as a nurse/receptionist at the Bracknell practice, My Dentist for three years from 9 September 2013 to 10 October 2016. Ms Lymer had taken the daily cash taking for Thursday 22 September 2016 totalling £291.49p. During an internal investigation into these matters, on two occasions Ms Lymer gave false information to two colleagues. Over the course of the investigation, during a conversation with a senior colleague she subsequently admitted that she had taken the missing cash from Thursday 22 September 2016 amounting to £291.49p. Ms Lymer had stated that as this was before pay day, she had borrowed this as she had needed the money to pay for food and to redeem her iPad from Cash Converters, and had intended to return all the monies by going to the cash point prior to work on Monday 26 September 2016. Ms Lymer was subsequently dismissed from MyDentist, who then referred the matter to the GDC.

That Committee in March 2018 found that her conduct directly contravened the GDC *Standards for the Dental Team*. Her dishonest conduct also violated trust amongst colleagues. Ms Lymer had attempted to conceal her actions and the Committee considered that her actions could damage the reputation of the profession. The Committee also noted that whilst monies were only misappropriated on one occasion there was subsequent dishonest behaviour. The Committee considered that such behaviour taken separately and more so collectively would be deplorable to fellow members of the profession and severely undermine public confidence in the profession.

That Committee was of the view that Ms Lymer's conduct was in breach of a number of standards of the profession and those breaches were serious, fundamental to the profession and capable of undermining public confidence in the profession. In addition, it was of the view that the dishonest conduct represented a serious departure from the standards expected of a registered dental care professional. It determined that the facts found proved amounted to misconduct.

In relation to impairment, the previous Committee was of the view that dishonesty is not easily remediable given that dishonesty is a matter of character rather than of clinical practice. That Committee observed that it had limited evidence from Ms Lymer to demonstrate any steps she may have taken to remedy the failings identified. It was not satisfied with her level of insight and found that there was a risk of repetition. It determined that her fitness to practise was impaired by reason of her misconduct and directed that her registration be suspended for a period of 12 months with a review prior to the expiry of the order.

The matter was reviewed on 10 April 2019 where a reviewing Professional Conduct Committee determined that her fitness to practise continued to be impaired by reason of her misconduct and directed that her registration be suspended for a further period of 12 months with a review prior to the expiry of the order 3 May 2020.

Today's review

Today this Committee has comprehensively reviewed Ms Lymer's case taking account of all the evidence presented. It has also taken account of the submissions made by Mr Middleton on behalf of GDC. The Committee accepted the advice of the Legal Adviser.

Mr Middleton stated that to date, there is no evidence that Ms Lymer has remedied any of the failings identified by the previous Committees. In relation to the matters before the Committee today, he stated that in the circumstances, the GDC invited the Committee to find that Ms Lymer's fitness to practise remains impaired. Mr Middleton further invited the Committee, if it found current impairment, to indefinitely suspend Ms Lymer's registration under Section 36 Q1(d) of the Dentist's Act 1984 "as amended".

The Committee took account the relevant case law including *Khan v General Pharmaceutical Council* [2016] UKSC 64, *Kimmance v General Medical Council* [2016] EWHC 1808 (Admin), and also *Abrahaem v General Medical Council* [2008] EWHC 183 Admin as authority for the proposition that there is a persuasive burden on Ms Lymer to demonstrate to this reviewing Committee that she acknowledges and has sufficiently addressed the past finding of impairment.

In doing so, the Committee has exercised its independent judgement. Throughout its deliberations, it has borne in mind that its primary duty is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.

The Committee noted that Ms Lymer initially acknowledged her failings in 2018, however, she has not engaged since the initial hearing and has failed to provide any evidence of insight or remediation.

The Committee considered Ms Lymer's order of suspension. The Committee was satisfied that there was no evidence that she had breached the terms of the order. The Committee also had regard to the lack of engagement by her. The Committee noted that the previous Committee identified that Ms Lymer had failed to demonstrate evidence of full insight and remediation. This Committee noted that there has been no material change since the last hearing in March 2019, and Ms Lymer has failed to provide evidence of further insight and remediation into her failings.

The Committee was not assured that the issues identified by the previous Committee would not be repeated. It considered that Ms Lymer's continued lack of sufficient insight and remediation indicates that there remains a risk of repetition.

The Committee is therefore satisfied that Ms Lymer's fitness to practise remains impaired. The Committee also considers that a finding of impairment is required for wider public interest reasons, namely, to declare and uphold proper professional standards of conduct and behaviour and to maintain public trust and confidence in the profession.

Sanction

The Committee next considered what sanction to impose on Ms Lymer's registration under Section 36Q of the Act. It reminded itself that the purpose of any sanction is not to be punitive although it may have that effect. The Committee bore in mind the principle of proportionality.

The Committee reminded itself of the options open to it. It has the power under section 36Q of the Act to give a direction that:

- a) "that the suspension shall be terminated;
- b) that the current period of suspension shall be extended for such further period, specified in the direction and not exceeding twelve months, beginning with the date on which it would otherwise expire;

- c) professionals register under that title shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such conditions specified in the direction as the Practice Committee think fit to impose for the protection of the public or in his interests; or
- d) that the person's registration in the dental care professionals register under that title shall be suspended indefinitely, if
 - (i) the period of suspension will, on the date on which the direction takes effect, have lasted for at least two years, and
 - (ii) the direction is made not more than two months before the date on which the period of suspension would otherwise expire."

These options were notified to Ms Lymer in the Notice of Hearing letter.

The Committee first considered whether to terminate the current order of suspension or allow it to lapse on its expiry. It is of the view that this course of action would be inappropriate given the absence of any evidence of remediation and the lack of engagement in recent times.

The Committee then considered whether to replace the order of suspension with an order of conditions. It is of the view that conditions would be inappropriate due to Ms Lymer's lack of engagement and the absence of any evidence to suggest that should conditions be imposed, she would seek to comply with them or engage with the Council.

The Committee then considered whether to extend the current period of suspension for a further period. It is of the view that nothing would be gained by a further extension of the current suspension order given that she has not undertaken any remedial steps to date.

The Committee has determined that in these circumstances it is appropriate and proportionate to suspend Ms Lymer's registration indefinitely. The Committee is mindful that an indefinite suspension will mean that Ms Lymer cannot request a review until at least two years have elapsed since the date on which the direction will take effect. However, the Committee's view is that it is not in the public interest for this process to be iterated continuously in the absence of any engagement from Ms Lymer.

The Committee therefore directs that Ms Lymer's registration be suspended indefinitely pursuant to section 36Q(1)(d) of the Act. Section 33(3) of the Act comes into operation to cover any period between the expiry of the current suspension and the date when the direction ordered by this Committee comes into force.

That concludes this case for today."