

HEARING PART-HELD IN PRIVATE

Health Committee Initial Hearing

19 to 21 January 2026

Name: RAFFERTY, Rachel
Registration number: 271662
Case number: CAS-210198-G2Q4N5

General Dental Council: Victoria Shehadeh, Counsel
Instructed by Sarah Barker, IHLPS

Registrant: Not Present
Not Represented

Fitness to practise: Impaired by reason of conviction, misconduct and health
Outcome: Suspended with immediate suspension (with a review)
Duration: 12 Months
Immediate order: Immediate suspension order

Committee members: Andrew Waite (Chair, Lay Member)
Anjana Varshani (Dentist Member)
Elaine Anderson (Dental Care Professional Member)

Legal Adviser: Justin Gau

Committee Secretary: Lola Bird

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

RAFFERTY, Rachel, a Dental Nurse, Diploma in Dental Nursing Level 3 QCF City & Guilds 2017, is summoned to appear before the Health Committee for an inquiry into the following charge:

The charge

“That, being registered as a dental care professional:

- 1. On 18 December 2023, you were convicted at North Shields Magistrates’ Court of an offence of driving a motor vehicle with an alcohol level above the legal limit, contrary to section 5(1)(a) Road Traffic Act 1988;*
- 2. You failed to immediately inform the General Dental Council that you had been convicted of the criminal offence at allegation 1, in that you did not inform the General Dental Council of your conviction until on or around 25 June 2024;*
- 3. You have one or more of the adverse health conditions set out in Schedule A.*

And that by reason of the matters alleged above, your fitness to practise is impaired by reason of your conviction and/or misconduct and/or adverse health”.

Schedule A*

[PRIVATE]

**Schedule A is a private schedule which cannot be disclosed.*

1. This is a hearing before the Health Committee in respect of a case brought by the General Dental Council (GDC) against Ms Rachel Rafferty. The charge relates to Ms Rafferty’s conviction received in December 2023, her alleged failure to immediately inform the GDC that she had been convicted of a criminal offence, and an allegation that she suffers from one for more adverse health conditions.

2. The hearing commenced on 19 January 2026 and is being conducted remotely by Microsoft Teams video-link.

3. Ms Rafferty is not present at these proceedings, and she is not represented in her absence. The Case Presenter for the GDC is Ms Victoria Shehadeh, Counsel.

Preliminary Matters – 19 January 2026

4. At the outset, Ms Shehadeh made an application under Rule 54 of the *GDC (Fitness to Practise) Rules 2006* (the Rules') to proceed with the hearing notwithstanding Ms Rafferty's absence.
5. As required, Ms Shehadeh first addressed the Committee on the issue of service and whether Ms Rafferty had been duly notified of the hearing in accordance with the Rules. In doing so, Ms Shehadeh drew the Committee's attention to a copy of the Notice of Hearing dated 4 December 2025 (the notice'), which was sent to Ms Rafferty's registered address by Special Delivery and First Class post. A copy of the notice was also sent to Ms Rafferty by email on 4 December 2025.
6. In submitting that service had been effected in accordance with the Rules, Ms Shehadeh highlighted to the Committee that the charge was set out within the notice sent to Ms Rafferty, and that Schedule A to the charge (which is the schedule setting out the alleged matters of adverse health) was enclosed with the notice. It was highlighted that the notice stated, "*Schedule A is enclosed*".
7. Having submitted that notice requirements had been met, Ms Shehadeh went on to make submissions in support of proceeding with the hearing in Ms Rafferty's absence. This included Ms Shehadeh's reference to a recent email received from Ms Rafferty, dated 16 January 2026, in which she provided a statement and confirmed that she would not be attending this hearing.
8. Shortly after concluding those submissions, Ms Shehadeh received further information from her instructing solicitor and the Committee granted a short adjournment to allow Ms Shehadeh time to take instructions on a matter that had arisen.
9. On resumption of the hearing, Ms Shehadeh stated that she wished to correct an aspect of her earlier submissions. She confirmed to the Committee that due to an administrative error, a copy of Schedule A to the charge had not been sent to Ms Rafferty alongside the notice of 4 December 2025. It was, however, confirmed that Ms Rafferty had had sight of all the evidence that the GDC was seeking to rely on in this case, including the expert evidence on which Schedule A is based.

Application to adjourn the hearing until the next day

10. Ms Shehadeh queried whether the Committee could properly be invited to find that there had been effective service, given that Schedule A was not sent to Ms Rafferty with the notice of 4 December 2025. In the circumstances, Ms Shehadeh made an application under Rule 58, for an adjournment of the hearing until the morning of 20 January 2026, to allow service on Ms Rafferty of the Notice of Hearing with Schedule A. Ms Shehadeh asked the Committee to note that the Rules allow for waiver of the 28-day notice period if given in writing. She submitted that if the application to adjourn was granted, the hearing could resume on the morning of 20 January 2026 with service by post having been properly effected. Furthermore, if the GDC received waiver of the notice period from Ms Rafferty, the application to proceed with the hearing in her absence would be renewed.

11. In applying for this short adjournment, Ms Shehadeh submitted that she was conscious of the public interest in the expeditious disposal of this hearing, as well as Ms Rafferty's wish for this hearing to proceed to a resolution, as outlined in her communications with the GDC.

Application to hold the hearing partly in private

12. Ms Shehadeh also made an application pursuant to Rule 53(2)(a) to hold part of the hearing in private for the protection of Ms Rafferty's private and family life. Ms Shehadeh recognised that if it was the case that this hearing did not proceed after all, the issue of privacy would be a matter for another occasion. However, she invited the Committee to make a decision on the application, so that if the hearing did go ahead, the issue of privacy would have already been dealt with.

13. In applying for a partly private hearing, Ms Shehadeh acknowledged the default position that all hearings are held in public, and that open justice is a key principle in regulatory proceedings. She stated, however, that there are exceptions to holding hearings in public, especially when a registrant's health and private life is involved, which is the position at this hearing. It was Ms Shehadeh's application that, in the circumstances of this case, all evidence and submissions relating to Ms Rafferty's health, private or family life, should be heard in private session, while those matters that can be discussed in public, should continue in public session. Ms Shehadeh submitted that this would balance the principle of open justice with Ms Rafferty's right to a private and family life.

Decision on application to adjourn the hearing until the next day – made on 19 January 2026

14. In reaching its decision on the application to adjourn, the Committee took account of Ms Shehadeh's submissions. It accepted the advice of the Legal Adviser in relation to the factors relevant to its decision, set out at Rule 58(4) as follows:

“In considering whether or not to grant a request for postponement or adjournment, a Committee shall, amongst other matters, have regard to—

(a) the public interest in the expeditious disposal of the case;

(b) the potential inconvenience caused to a party or any witness to be called by that party; and

(c) fairness to the respondent.”

15. With regard to the public interest in the expeditious disposal of this case and the need to be fair to Ms Rafferty, the Committee took into account that Ms Rafferty is aware of this hearing, and she has been in communication with the GDC about these proceedings. The Committee noted that at no time has Ms Rafferty asked for an adjournment. On the contrary, she has expressed a wish for this hearing to proceed to a resolution. The Committee balanced these factors with the information that the GDC made an error in not sending Schedule A to Ms Rafferty when it sent notice of this hearing on 4 December 2025.

16. It was the view of the Committee that the failure to send Schedule A to Ms Rafferty in December 2025 did not change the nature of the case against her. It took into account that she is

aware of the allegations she faces, having received the charge and all the evidence upon which the GDC relies, including the expert reports. The Committee noted that the expert reports contain all the information that is included in Schedule A. It was satisfied that Ms Rafferty has considered the reports, given that there is information before the Committee confirming that she was involved in agreeing redactions to the reports with the GDC.

17. In all the circumstances, the Committee concluded that there would be no unfairness in proceeding with the hearing despite the administrative error relating to the sending of Schedule A. It considered that an adjournment would cause inconvenience to the GDC's expert witness who was scheduled to give evidence at this hearing and would also result in an unnecessary and potentially lengthy delay. The Committee considered that such a delay would not be in the public interest, nor would it be in the interests of either party.

18. Accordingly, the Committee determined to refuse the application to adjourn the hearing until the morning of 20 January 2026 and invited Ms Shehadeh to proceed with the hearing (on 19 January 2026) by making a renewed application to proceed in Ms Rafferty's absence.

Decision on application to hold the hearing partly in private – made on 19 January 2026

19. In reaching its decision on the application for privacy by way of a part-private hearing, the Committee took account of the submissions made by Ms Shehadeh. It accepted the advice of the Legal Adviser regarding its discretion under Rule 53 to hold all or part of the hearing in private.

20. The Committee noted the highly detailed and sensitive matters to be considered as part of this hearing, which relate to Ms Rafferty's health, private and family life. It was therefore satisfied that the exception under Rule 53(2)(a) is engaged in this case, and that it would be appropriate for those matters to be heard in private. Accordingly, the Committee granted the application for a partly private hearing. In doing so, the Committee noted that realistically, due to the nature of this case, it was likely that a considerable part of the hearing would be held in private session, but it was satisfied that there were some aspects that could remain in public.

21. The Committee bore in mind that a suitably redacted public version of its determination would need to be produced alongside a private version.

Renewed application to proceed with the hearing in the absence of the registrant

22. In light of the Committee's decision to refuse the application to adjourn, Ms Shehadeh revisited her application to proceed with the hearing in the absence of Ms Rafferty.

23. Ms Shehadeh submitted that the GDC had made no secret of the fact that service had not been as complete or as full as anticipated. However, she drew the Committee's attention to further documentation that had been provided by the Council, which showed that the full particulars of this case were sent to Ms Rafferty in draft form, including Schedule A, on 24 July 2025. There was evidence that Ms Rafferty had received and downloaded that documentation. Ms Shehadeh further emphasised that Ms Rafferty had received the final hearing bundle in respect of these proceedings and that she had actively agreed redactions to it.

24. Ms Shehadeh submitted that with this background, the Committee could take an expansive view of Rule 54, which requires the GDC to have made “*all reasonable efforts*” to send notification to Ms Rafferty. Ms Shehadeh invited the Committee to note that Ms Rafferty has remained in communication with the Council and has expressed a wish for the hearing to go ahead.

25. Ms Shehadeh submitted that all of the factors she outlined mitigated against service not having been technically effected in accordance with the Rules.

Decisions on service and proceeding in absence of the registrant – made on 19 January 2026

26. In reaching its decisions, the Committee took account of the submissions made by Ms Shehadeh. It accepted the advice of the Legal Adviser on the issues of service and proceeding with a hearing in the absence of a registrant.

Decision on service

27. The Committee considered whether notice had been served on Ms Rafferty in accordance with Rules 13 and 65. It had sight of the notice dated 4 December 2025, which was sent to her registered address by Special Delivery and First Class post. The Committee took into account that there is no requirement within the Rules for the GDC to prove receipt of the notice, only that it was sent. The Committee received the Royal Mail ‘Track and Trace’ receipt showing that the copy of the notice sent by Special Delivery proceeded through the postal system. The Committee was satisfied on the evidence provided that the GDC had complied with the requirement of sending notice.

28. The Committee also noted that a copy of the notice was sent to Ms Rafferty by way of an attachment within a secure email on 4 December 2025, and there is evidence that the attachment was downloaded. The Committee noted that Ms Rafferty has been in recent communication with the GDC regarding this hearing.

29. The Committee was satisfied that the notice sent to Ms Rafferty complied with the 28-day notice period specified in the Rules. It was also satisfied that the notice contained all the required particulars, including the date and time of the hearing, confirmation that the hearing would be conducted remotely by Microsoft Teams, and that the Committee had the power to proceed in Ms Rafferty’s absence.

30. The Committee took into account the GDC’s administrative error in not sending Schedule A to Ms Rafferty at the same time as the notice of 4 December 2025. However, given all the information before it, including her knowledge of the GDC’s case against her and that she had previously received a copy of Schedule A, the Committee was satisfied that notice was adequate in all the circumstances.

Decision on proceeding in the absence of the registrant

31. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Ms Rafferty. It took account of the factors relevant to its decision, as set out in the case of *R v Jones* [2002] UKHL 5, and as affirmed in subsequent regulatory cases.

32. The Committee bore in mind the need to be fair to Ms Rafferty, as well as the GDC. It also had regard to its duty to act expeditiously in the public interest.

33. The Committee considered that many of the matters set out in its decision above refusing the application to adjourn, were applicable to deciding whether to proceed in the absence of Ms Rafferty. It noted that in her communications with the GDC, she expressed a wish for this hearing to proceed to a resolution. In her recent email dated 16 January 2026, she provided a statement for the consideration of the Committee, in which she stated that *"I am unable to attend the scheduled GDC hearing due to circumstances beyond my control. I have informed the relevant parties in advance and respectfully request that this statement be noted on the record..."*

34. Ms Rafferty did not request an adjournment of the hearing, and the Committee was of the view that an adjournment would not serve any meaningful purpose. It noted that prior to choosing not to attend, Ms Rafferty had an in depth conversation with a member of the GDC's legal team about the potential consequences of her non-attendance. The Committee was satisfied on the information before it that Ms Rafferty had voluntarily absented herself knowing these consequences, and the details of the case against her. The Committee received nothing to suggest that deferring this hearing would secure Ms Rafferty's attendance on a future date.

35. Having taken all matters into account, including fairness to both parties and the public interest in the disposal of the allegations in this case, which have been ongoing for some time, the Committee concluded that the hearing should go ahead as scheduled. It therefore acceded to the GDC's renewed application to proceed in the absence of Ms Rafferty.

The GDC's opening submissions

36. In opening the case for the GDC, Ms Shehadeh submitted that, as set out at heads of charge 1 and 2, Ms Rafferty, a Dental Nurse, faces allegations in relation to the criminal conviction she received in December 2023 and her failure to immediately notify the GDC of that conviction. Ms Shehadeh highlighted the evidence relied upon by the GDC in respect of these matters which, she said, included the certificate of conviction, the court records and information from the police. Ms Shehadeh highlighted that there was also evidence in relation to the chronology of Ms Rafferty's self-report to the GDC.

37. Ms Shehadeh next addressed head of charge 3, which relates to the alleged health matters in this case. [PRIVATE].

38. [PRIVATE].

39. Ms Shehadeh submitted that there was information from Ms Rafferty interwoven in the expert evidence provided, but also her email of 16 January 2026 sets out information that she requested be put before the Committee.

Summary of the evidence

40. The evidence received by the Committee from the GDC was both documentary and oral. In terms of documentary evidence, the Committee was provided with the following:

- A witness statement dated 4 August 2025 with associated exhibits, from a Caseworker at the GDC, who sets out in their witness statement the chronology of Ms Rafferty's self-report of her conviction to the GDC.
- The certified memorandum of conviction.
- Disclosure information from Northumbria Police
- A witness statement dated 8 December 2025 from a Senior Paralegal at the GDC, who exhibits with their statement evidence received by the Council from Ms Rafferty in August 2025.
- Three reports prepared by the GDC's expert witness [PRIVATE], dated 1 July 2025, 21 November 2025 and 1 December 2025.
- Medical records and [PRIVATE].

41. The oral evidence heard by the Committee was from the GDC's expert witness [PRIVATE].

42. The Committee also received evidence from Ms Rafferty, which was her statement of 16 January 2026, which she requested be placed before it.

The Committee's findings of fact – 20 January 2026

43. The Committee considered all the evidence presented to it, both documentary and oral. It took account of the closing submissions made by Mr Shehadeh on behalf of the GDC. She submitted that all of the allegations are made out on the evidence and she invited the Committee to find them proved.

44. The Committee accepted the advice of the Legal Adviser in relation to the burden and standard of proof, and the legal principles relevant to its decision-making at this first stage of the proceedings.

45. The Committee considered each of the allegations separately. It bore in mind that the burden of proof rests with the GDC and that the standard of proof is the civil standard, that is, whether the alleged matters are proved on the balance of probabilities.

46. The Committee’s findings are as follows:

<p>1.</p>	<p><i>On 18 December 2023, you were convicted at North Shields Magistrates’ Court of an offence of driving a motor vehicle with an alcohol level above the legal limit, contrary to section 5(1)(a) Road Traffic Act 1988;</i></p> <p>Found proved.</p> <p>The Committee had regard to Rule 57(5) of the Rules, which states that:</p> <p><i>“Where a respondent has been convicted of a criminal offence—</i></p> <p style="padding-left: 40px;"><i>(a) a copy of the certificate of conviction, certified by a competent officer of a court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and</i></p> <p style="padding-left: 40px;"><i>(b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.”</i></p> <p>The Committee had before it a copy of the certified memorandum of conviction confirming that on 18 December 2023, Ms Rafferty was convicted at North Shields Magistrates’ Court of an offence of driving a motor vehicle with an alcohol level above the legal limit, contrary to section 5(1)(a) Road Traffic Act 1988.</p> <p>The Committee also had before it the court records, the disclosure information provided by Northumbria police and Ms Rafferty’s self-report of her conviction to the GDC dated 25 June 2024.</p> <p>On the basis of all the evidence provided, the Committee was satisfied that this head of charge is proved.</p>
<p>2.</p>	<p><i>You failed to immediately inform the General Dental Council that you had been convicted of the criminal offence at allegation 1, in that you did not inform the General Dental Council of your conviction until on or around 25 June 2024;</i></p> <p>Found proved.</p> <p>In reaching its decision, the Committee had regard Standard 9.3.1. of the GDC’s ‘Standards for the Dental Team (September 2013)’ (‘the GDC Standards’), which states that:</p> <p style="padding-left: 40px;"><i>“You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world...”</i></p> <p>The Committee was satisfied from Standard 9.3.1 that Ms Rafferty had a duty to immediately inform the GDC that she had been convicted of a criminal offence. Whilst the Committee took into account that no definition is provided in the GDC Standards of ‘<i>immediately</i>’, giving the word its ordinary meaning, the Committee considered that Ms Rafferty should have informed her regulatory body shortly after the date of her conviction.</p>

	<p>The chronology of events provided in the witness statement of the GDC Caseworker indicates that there was no evidence of Ms Rafferty having declared her conviction to the GDC before her self-report on 25 June 2024. This was six months after she had been convicted. The Committee noted that in her statement of 16 January 2026, Ms Rafferty admitted that “I did not notify the GDC for the drink driving offence back in 2023 [PRIVATE]”.</p> <p>In all the circumstances, the Committee was satisfied on the balance of probabilities that this head of charge is proved. Given that there was a delay of six months before Ms Rafferty informed the GDC of her conviction, the Committee was satisfied that she failed in her duty to report the matter immediately.</p>
3.	<p><i>You have one or more of the adverse health conditions set out in Schedule A.</i></p> <p>Found proved in relation to all the matters set out in Schedule A.</p> <p>[PRIVATE].</p>

47. The hearing now moves to Stage Two.

Stage Two of the hearing – 20 to 21 January 2026

48. The facts found proved by the Committee included that on 18 December 2023, Ms Rafferty was convicted at North Shields Magistrates’ Court of an offence of driving a motor vehicle with an alcohol level above the legal limit, contrary to section 5(1)(a) Road Traffic Act 1988. The circumstances of Ms Rafferty’s drink-driving offence, as set out in the police disclosure information provided, were that, at approximately 2214 hours on 30 November 2023, a road traffic collision occurred between Ms Rafferty’s vehicle and a vehicle that was parked. Ms Rafferty was found to be two and a half times over the drink-drive limit. She pleaded guilty to the offence and the sentence she received included disqualification from driving for 20 months (to be reduced by 20 weeks if by 30 January 2025 she satisfactorily completed a course approved by the Secretary of State).

49. The Committee also found proved that Ms Rafferty did not adhere to her professional duty to immediately inform the GDC of her criminal conviction. She did not notify the Council until 25 June 2024, some six months later.

50. The Committee made further findings in relation to Ms Rafferty’s health. [PRIVATE].

51. At this second stage of the hearing, the Committee’s considerations were whether Ms Rafferty’s fitness to practise is currently impaired by reason of her conviction and her adverse health. It also considered whether her failure to immediately inform the GDC of her conviction amounts to misconduct, and if so, whether her fitness to practise is currently impaired by reason of that misconduct. The Committee took into account that if it found current impairment on any of the statutory grounds of conviction, misconduct or health, it would need to go on to consider what sanction, if any, to impose on Ms Rafferty’s registration.

52. The Committee considered all the evidence presented to it at the fact-finding stage. It also took account of the further evidence received at this stage, which was a copy of an Interim Orders Committee determination made in respect of Ms Rafferty dated 13 August 2025.

Summary of the submissions made by the GDC

53. Ms Shehadeh submitted that conviction is a freestanding ground of impairment under the *Dentists Act 1984 (as amended)*. She stated, however, that in this case, the GDC was neutral about a finding of current impairment in respect of Ms Rafferty's conviction. Ms Shehadeh submitted that Ms Rafferty's disqualification from driving has concluded and therefore the principle arising from the case of *Council for the Regulation of Healthcare Professionals v GDC and Fleischmann* [2005] EWHC 87, does not apply. This is the principle that where a registrant has been convicted of a serious offence, they should not be permitted to resume practice until they have satisfactorily completed their sentence. Ms Shehadeh also asked the Committee to take into account that Ms Rafferty pleaded guilty at the earliest opportunity and attended court to face the consequences. It was also Ms Shehadeh's submission that Ms Rafferty's offence was at the lower end of the scale of offending, that she has no history of offending and there has been no evidence of any offending since December 2023. [PRIVATE].

54. In relation to Ms Rafferty's failure to immediately inform the GDC of her conviction, it was Ms Shehadeh's submission that this was a serious breach of Standard 9.3.1 of the GDC Standards, and that the failing does amount to misconduct. As outlined in the Committee's findings of fact, Ms Shehadeh highlighted that Standard 9.3.1 states that: "*You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information*". Ms Shehadeh also drew the Committee's attention to paragraph 83 of the GDC's '*Fitness to Practise: Guidance for the practice committees (Effective from 6 January 2026)*' ('the Guidance'), which states as follows:

"Failure to inform the GDC immediately of criminal proceedings or a regulatory finding is a serious matter. That is because failure to declare information about criminal proceedings or regulatory findings deprives the Registrar of the ability to consider the impact of those proceedings on the registrant's fitness to practise, and whether any action (including on an interim basis) needs to be taken to protect the public or the wider public interest. As a result, failure to declare criminal or regulatory proceedings has the potential to undermine the integrity of the register."

55. In submitting that Ms Rafferty's fitness to practise is currently impaired by reason of misconduct, Ms Shehadeh asked the Committee to bear in mind the length of the delay in her informing the GDC about her conviction. Also, Ms Shehadeh submitted that there has been no evidence from Ms Rafferty in relation to her insight, into her failing, or any remorse shown. Ms Shehadeh emphasised the public protection implications associated with failing to report a conviction to the GDC, as well as the potential for such a failing to undermine public confidence in the dental profession. She submitted that members of the public expect registrants to be transparent in their professional conduct.

56. Ms Shehadeh next addressed the Committee's findings in relation to Ms Rafferty's health. [PRIVATE].

57. [PRIVATE].

58. In all the circumstances, Ms Shehadeh submitted that Ms Rafferty's fitness to practise is currently impaired by reason of adverse health.

59. Ms Shehadeh invited the Committee to consider imposing a suspension order on Ms Rafferty's registration of a period between 9 and 12 months. She submitted that any lesser sanction would not be sufficient to protect the public and the wider public interest.

The Committee's decisions – 21 January 2026

60. In reaching its decisions, the Committee considered all the evidence before it. It took account of Ms Shehadeh's submissions made on behalf of the GDC. The Committee accepted the advice of the Legal Adviser in relation to the approach it should take in making its decisions, and the applicable legal principles and guidance.

61. The Committee reminded itself that its decisions were for its independent judgement. There is no burden or standard of proof at this stage of the proceedings. In exercising its judgement, the Committee had regard to the overarching objective of the GDC, which is: the protection, promotion and maintenance of the health, safety, and well-being of the public; the promotion and maintenance of public confidence in the dental profession; and the promotion and maintenance of proper professional standards and conduct for the members of the dental profession.

Decision on impairment by reason of conviction

62. The Committee first considered whether Ms Rafferty's fitness to practise is currently impaired by reason of her conviction. In its view, this was a serious case of drink-driving where she was found to be two and a half times over the drink-drive limit. The Committee noted that there has been no evidence of any previous convictions or any criminal offending since December 2023. However, in considering the risk of repetition, it took into account [PRIVATE].

63. In addition to this, the Committee considered that Ms Rafferty has shown little or no insight into her criminal offending or what led to it. Similarly, there is no apparent evidence of remorse. [PRIVATE].

64. In view of the lack of evidence of insight, and [PRIVATE], the Committee concluded that there is a high likelihood of repetition. Whilst it took into account the submissions of the GDC regarding the *Fleischmann* principle, it bore in mind that this is a principle and not a rule. In the Committee's view, *Fleischmann* does not state that current impairment cannot be found once a criminal sentence has been completed. In the Committee's judgement, there is a significant risk of repetition and it was satisfied that it is necessary to make a finding of impairment in the circumstances.

65. The Committee also considered that such a finding is in the wider public interest. Ms Rafferty was convicted of a serious criminal offence and there is a lack of evidence in relation to her insight and remorse. The Committee considered that public confidence in the dental profession would be undermined if a finding of impairment were not made in this case. It also took into account the need to declare and uphold proper professional standards.

66. Accordingly, the Committee determined that Ms Rafferty's fitness to practise is currently impaired by reason of her conviction.

Decision on impairment by reason of misconduct

67. The Committee next considered Ms Rafferty's failure to immediately inform the GDC of her conviction and whether this amounts to misconduct. The Committee took into account that a finding of misconduct in the regulatory context requires a serious falling short of the standards expected of a registered dental professional.

68. The Committee had regard to Standard 9.3.1 as outlined in its findings of fact and in the GDC's submissions made at this stage. It considered that Ms Rafferty's failure to adhere to the requirement to immediately inform the GDC that she had been convicted of a criminal offence was a serious departure from what was expected of her. The Committee considered that six months was a significant delay, during which the GDC was deprived of the ability to consider the impact of the conviction on Ms Rafferty's fitness to practise, and whether any action needed to be taken to protect the public or the wider public interest. Ms Rafferty's failure to report her conviction in the required way, served to undermine the GDC's regulatory function. The Committee also took into account a registrant's duty to cooperate with their regulator. The Committee was satisfied that Ms Rafferty's failing amounted to misconduct.

69. The Committee went on to consider whether Ms Rafferty's fitness to practise is currently impaired by reason of her misconduct. It noted that initially, there had been a suggestion by Ms Rafferty that she thought she had notified the GDC before 25 June 2024, but neither she nor the GDC could find any evidence of that. The Committee noted that Ms Rafferty accepted in her recent statement of 16 January 2026 that she did not notify the GDC at the material time in December 2023. However, this appears to have been the extent of her consideration of the matter. There is no evidence before the Committee to demonstrate that she fully recognises the significance of her misconduct. In view of this, the Committee again considered there to be little or no evidence of Ms Rafferty's insight or remorse into this serious concern, and it concluded that there is a risk of repetition in relation to her misconduct. The Committee determined that a finding of impairment is necessary to protect the public in light of this risk, given the public safety implications associated with registrants not reporting criminal convictions to their regulatory body.

70. The Committee was also satisfied that a finding of impairment is in the wider public interest, taking into account the protracted period of time over which Ms Rafferty failed to report her conviction to the GDC, and the lack of any evidence of insight or remorse. The Committee considered that members of the public would expect a finding of impairment in this circumstances. It further considered that such a finding is necessary to promote and maintain proper professional standards.

Decision on impairment by reason of adverse health

71. In reaching its decision, the Committee took account of the expert evidence. [PRIVATE].

72. [PRIVATE].

73. [PRIVATE].

74. [PRIVATE].

75. [PRIVATE].

76. [PRIVATE].

77. [PRIVATE].

78. [PRIVATE].

79. [PRIVATE].

80. Taking all the evidence into account, the Committee determined that a finding of impairment is necessary for the protection of the public [PRIVATE]. It also determined that such a finding is in the wider public interest to safeguard public confidence in the dental profession, [PRIVATE].

Decision on sanction

81. The Committee went on to consider what sanction, if any, to impose on Ms Rafferty's registration. It took into account that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect the public and the wider public interest. The Committee had regard to the Guidance. It applied the principle of proportionality, balancing the public interest with Ms Rafferty's interests.

82. In deciding on the appropriate sanction, the Committee considered the issue of mitigating and aggravating factors. In mitigation, the Committee considered the following:

- Ms Rafferty's previous good character. It was confirmed to the Committee that she has no fitness to practise history before the GDC and there is no evidence of any previous convictions.
- That Ms Rafferty eventually self-reported her conviction to the GDC.
- [PRIVATE]
- [PRIVATE].

83. The Committee identified the following aggravating factors in this case:

- The lack of evidence of insight from Ms Rafferty into the concerns raised.
- The lack of evidence of remorse.
- There is very little evidence of remediation in relation to the non-health related matters.
- [PRIVATE]

84. Taking all the above factors into account, the Committee considered the available sanctions. It started with the least restrictive as it was required to do. The Committee took into account that it was open to it to conclude this case without taking any action in relation to Ms Rafferty's registration, however, it considered that this would be wholly inappropriate. The Committee has identified a risk to the public, as well as wider public interest considerations. Taking no action in respect of Ms Rafferty's registration would not provide the necessary public protection, nor would it satisfy the wider public interest.

85. Accordingly, the Committee considered whether it would be appropriate and proportionate to issue Ms Rafferty with a reprimand. It noted from paragraph 262 of the Guidance that "*A reprimand does not restrict a registrant's ability to practise, and may therefore be appropriate where the issues identified are at the lower end of the spectrum of seriousness, where a restrictive sanction is not required to protect the public or the public interest*". In the Committee's view, this is not such a case. It therefore decided that a reprimand would not be a sufficient, appropriate or proportionate sanction.

86. The Committee considered whether to impose a conditions of practice order on Ms Rafferty's registration. However, it concluded that conditional registration would not be appropriate, workable or measurable in the current circumstances of this case. [PRIVATE]. In all the circumstances, the Committee decided that a conditions of practice order would not protect the public or the wider public interest.

87. The Committee next considered whether to suspend Ms Rafferty's registration for a specified period, up to a maximum of 12 months. It considered paragraph 277 of the Guidance, which states that:

"Suspension may be appropriate when all, or some, of the following factors are present:

- a. There is evidence of repetition of the behaviour.*
- b. The registrant has not shown insight into the issues which led to a finding of current impairment being made, and/or poses a significant risk of repeating the behaviour.*
- c. A lesser sanction would be insufficient to meet the public interest.*
- d. There is no evidence of harmful deep-seated personality or professional attitudinal problems (which might make erasure the appropriate order)."*

88. The Committee considered that the factors listed at (a) to (d) are applicable to this case. In considering these factors, the Committee was satisfied that there is no evidence before it to suggest that Ms Rafferty has any harmful deep-seated personality or professional attitudinal problems.

89. However, the Committee did consider whether there are some aspects of this case which could indicate that a higher sanction than suspension might be required. Therefore, before reaching its decision, it considered paragraph 282 of the Guidance which sets out factors relating to erasure, which is the highest possible sanction. The Committee took into account that some of those factors are present in this case, namely Ms Rafferty's serious departure from a relevant professional standard, and that the Committee has identified a continuing risk to the public. However, the Committee also took into account [PRIVATE]. It therefore decided that erasure in the context of this case would be disproportionate.

90. In all the circumstances, the Committee was satisfied that the appropriate and proportionate sanction is one of suspension. It determined to impose a suspension order on Ms Rafferty's registration for a period of 12 months. In deciding on this period, the Committee took into account the need to protect the public and the wider public interest, [PRIVATE].

91. The Committee also determined to direct a review of the suspension order, to be conducted at a resumed hearing which will be held shortly before the expiry of the 12 month period. The Committee at the resumed hearing will consider what action to take in respect of Ms Rafferty's registration at that time. Ms Rafferty will be informed of the date and time of that hearing.

92. This Committee considered that the reviewing Committee may be assisted by receiving the following from Ms Rafferty:

- Evidence that she has kept her Continuing Professional Development (CPD) up to date.
- [PRIVATE].
- Evidence of her insight into all the matters raised in this case.

93. Unless Ms Rafferty exercises her right of appeal, her registration will be suspended for a period of 12 months, starting 28 days from the date that notice of this Committee's direction is deemed to have been served upon her.

94. The Committee now invites submissions from Ms Shehadeh, as to whether an immediate order of suspension should be imposed on Ms Rafferty's registration to cover the 28-day appeal period, pending the taking effect of its substantive direction for suspension.

Decision on an immediate order – 21 January 2026

95. Having made a substantive determination in this case, the interim order currently in place on Ms Rafferty's registration is hereby revoked.

96. In considering whether to impose an immediate order of suspension on Ms Rafferty's registration, the Committee took account of Ms Shehadeh's application that such an order should be imposed to cover the 28-day appeal period, or longer, in the event of an appeal. It was her submission that the imposition of an immediate order would be entirely in keeping with the Committee's substantive determination. She submitted that the statutory test for an immediate order

is met, given that the Committee has identified a risk to the public and wider public interest considerations. She also submitted that, in the circumstances of this case, the Committee may consider that an immediate order is also in Ms Rafferty's own interests.

97. The Committee accepted the advice of the Legal Adviser, who confirmed the statutory test for immediate orders. He advised that the Committee must be satisfied that an immediate order is necessary for the protection of the public, is otherwise in the public interest or in the interests of Ms Rafferty.

98. In all the circumstances, the Committee determined that the imposition of an immediate order of suspension on Ms Rafferty's registration is necessary for the protection of the public, is otherwise in the public interest and is in her own interests.

99. In its substantive determination, the Committee has identified a risk to the public, given the lack of evidence of insight from Ms Rafferty into the concerns in this case. In view of the identified risk, the Committee considered that it would be inconsistent not to impose an immediate order for the protection of the public. It took into account that in the absence of an immediate order, Ms Rafferty could, if she wished to do so, return to unrestricted practice during the appeal period, or for longer, in the event of an appeal against the Committee's substantive decision.

100. The Committee was also satisfied that an immediate order is required in the wider public interest, in view of the gravity of the matters found proved and the ongoing risk that has been identified. The Committee considered that members of the public would expect immediate action to be taken in respect of Ms Rafferty's registration. It was satisfied that such action is required to maintain public confidence in the dental profession, the regulatory process, and to uphold proper professional standards of conduct and behaviour.

101. The Committee was further satisfied that an immediate order is in Ms Rafferty's own interests, [PRIVATE].

102. The effect of the foregoing substantive determination and this order is that Ms Rafferty's registration will be suspended to cover the appeal period. Unless she exercises her right of appeal, the substantive direction for suspension for a period of 12 months (with a review) will take effect 28 days from the date of deemed service.

103. Should Ms Rafferty exercise her right of appeal, this immediate order will remain in place until the resolution of the appeal.

104. That concludes this determination.