

## HEARING HELD IN PUBLIC

### Professional Conduct Committee Initial Hearing

29 July to 7 August 2024

**Name:** SHARPLES, Pamela Marie

**Registration number:** 124183

**Case number:** CAS-205236-H1W6L9

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**General Dental Council:** Reka Hollos, Counsel  
Instructed by Christopher Evans, IHLPS

**Registrant:** Not present  
Not represented

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**Fitness to practise:** Impaired by reason of misconduct

**Outcome:** Erased with Immediate Suspension

**Duration:** N/A

**Immediate order:** Immediate suspension order

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**Committee members:** Nora Nanayakkara (Lay (Chair))  
Phillip Loughnane (Dentist)  
Olivia Kimber (Dental Care Professional)

**Legal adviser:** Judith Walker

**Committee Secretary:** Gareth Llewellyn

### **Determination on preliminary matters – 29 July 2024**

**Name:** SHARPLES, Pamela Marie

**Registration number:** 124183

1. This is a hearing before the Professional Conduct Committee (PCC). The hearing is being held remotely using Microsoft Teams in line with the Dental Professionals Hearings Service's current practice.
2. Miss Sharples is not present and is not represented in her absence. Reka Hollos of Counsel, instructed by Christopher Evans of the General Dental Council's (GDC's) In-House Legal Presentation Service (IHLPS), appears for the GDC.

#### **Service of notice of hearing**

3. On behalf of the GDC Ms Hollos submitted that service of notice of this hearing has been properly effected in accordance with Rules 13 and 65 of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). On 19 June 2024 a notice of hearing was sent to the address that Miss Sharples has registered with the GDC, setting out the date and time of this hearing, as well as the fact that the hearing would be conducted remotely. The notice was sent using the Royal Mail's Special Delivery service. The Royal Mail's Track and Trace service records that the notice was delivered on the morning of 22 June 2024. Copies of the notice were also sent by first class post, and by email to Miss Sharples' known email addresses.
4. The Committee accepted the advice of the Legal Adviser. The Committee determined that service of the notice of this hearing has been properly effected in accordance with the Rules.

#### **Proceeding in absence**

5. The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Miss Sharples in accordance with Rule 54 of the Rules. Ms Hollos invited the Committee to do so.
6. The Committee accepted the advice provided by the Legal Adviser. The Committee was mindful that its discretion to conduct a hearing in the absence of a registrant should be exercised with the utmost care and caution. After careful consideration the Committee determined that it would be appropriate and fair for it to proceed in Miss Sharples' absence. The Committee determined that the GDC has made reasonable efforts to inform Miss Sharples of this hearing, and that it would appear that she has voluntarily absented herself. The Committee considers that an adjournment, which has not been requested, would be unlikely to secure Miss Sharples' attendance. The Committee was also mindful of the potential inconvenience that would be caused to the GDC's witnesses were it to decide not to proceed. The Committee also bore in the mind the public interest in an expeditious consideration of this case.

### **Findings of fact – 6 August 2024**

#### **Background to the case and summary of allegations**

7. The allegations giving rise to this hearing arise out of Miss Sharples' employment with a company, which is referred to for the purposes of these proceedings as Company A, which owns and runs the two dental practices relevant to this case. Miss Sharples worked for the company as the practice manager, including on a temporary basis, at a dental practice, which

is referred to as Practice A, from September 2019 to July 2021, and as the practice manager of a second practice, which is referred to as Practice B, from August 2020 to July 2021. Miss Sharples was seconded to an information technology (IT) role with the same company from 7 June 2021 to 15 July 2021.

8. A number of allegations have been raised about Miss Sharples' conduct. These allegations may be summarised as follows.
9. It is alleged that Miss Sharples failed to make enquiries with the GDC regarding its fitness to practise proceedings against her, which concluded in June 2021. The GDC bases its allegation on Miss Sharples being aware of those proceedings, being aware that they might affect her fitness to practise in her role, and that she had a duty to disclose information which might affect her suitability for her role with her employer. The GDC submits that this alleged conduct amounts to a lack of integrity, in that Miss Sharples avoided learning of the outcome of the GDC's proceedings so as not to prejudice her position of employment.
10. It is further alleged that, in or around December 2020, Miss Sharples deprived one or more members of staff at Practice A and Practice B of the full benefit of the Christmas gift that had been allocated to them, and that such alleged conduct again amounted to a lack of integrity, in that Miss Sharples did not take sufficient steps to ensure that the members of staff in question received that full benefit.
11. The GDC also contends that Miss Sharples authorised the early closure of Practice A on five occasions over a nine-day period at the end of May 2021 and the beginning of June 2021, including on four concurrent days. It is alleged that this happened without the knowledge of Miss Sharples' employers, and was contrary to the procedure to be followed for early closure. It is further alleged that such conduct was misleading.
12. Miss Sharples also faces an allegation that, on two occasions, she took two tooth whitening kits from Practice A for her own use, and without paying for them. The GDC alleges that this conduct amounted to a lack of integrity, and was also dishonest.

### **Evidence**

13. The Committee has been provided with documentary material in relation to the heads of charge that Miss Sharples faces. This material consists of the witness statements and documentary exhibits of the witnesses in this case. The roles of those witnesses at the time of the incidents giving rise to these proceedings, who are referred to for the purposes of these proceedings as Witness A to Witness O, with the exception of the unused nomenclature of Witness E, are summarised as follows:
  - Witness A – the area manager with Miss Sharples' employing company
  - Witness B – the current practice manager of Practice B, who also temporarily performed the same role at Practice A following Miss Sharples' departure from Practice A
  - Witness C – a practice manager in the same area as Miss Sharples
  - Witness D – the lead receptionist at Practice A
  - Witness F – a dental therapist at Practice A

- Witness G – a locum dentist at Practice A
- Witness H – a cleaner at Practice B
- Witness I – a dental nurse at Practice B
- Witness J – the lead receptionist at Practice B
- Witness K - a dental nurse at Practice B
- Witness L – an area lead dental nurse at Practice A and Practice B
- Witness M – a GDC paralegal with knowledge of the case
- Witness N – a GDC operations manager with knowledge of the case
- Witness O – a GDC customer service manager with knowledge of the case

14. The Committee heard oral evidence from Witness A, Witness B, Witness C, Witness D, Witness F, Witness G, Witness H, Witness I, Witness J, Witness K and Witness L.

**Committee’s findings of fact**

15. The Committee has taken into account all the evidence presented to it, both written and oral. It has considered the submissions made by Ms Hollos on behalf of the GDC. The Committee has had regard to the GDC’s *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020).
16. The Committee has accepted the advice of the Legal Adviser. The Committee is mindful that the burden of proof lies with the GDC, and has considered the heads of charge against the civil standard of proof, that is to say, the balance of probabilities. The Committee has considered each head of charge separately, although some of its findings will be announced together.
17. I will now announce the Committee’s findings in relation to each head of charge:

1.	<p><i>Whilst employed at Company A, you failed to make enquiries of the General Dental Council regarding the outcome of the June 2021 fitness to practise proceedings brought against you in circumstances where:</i></p> <p><b>Not proved*</b></p>
1. (a)	<p><i>you were aware that there were ongoing proceedings before the General Dental Council in respect of your fitness to practise; and</i></p> <p><b>Proved*</b></p>
	<p>In approaching head of charge 1, which includes its sub-particulars at 1 (a), 1 (b) and 1 (c), the Committee accepted the advice of the Legal Adviser that, in order for head of charge 1 to be found proved, the Committee would need to find each of the sub-particulars at 1 (a), 1 (b) and 1 (c) proved. The Committee noted that Ms Hollos endorsed this approach.</p>

	<p>The Committee finds the facts alleged at head of charge 1 (a) proved.</p> <p>The Committee has been provided with documentary evidence of the culmination of fitness to practise proceedings brought against Miss Sharples. The Committee notes that on 10 June 2021 the PCC directed that Miss Sharples' name be suspended from the register as its disposal of fitness to practise proceedings.</p> <p>The evidence presented to the Committee by Witness M is that, by no later than 9 December 2020, Miss Sharples was aware that she was subject to fitness to practise proceedings being brought against her by the GDC. On that date, the GDC wrote to her about a case which had been referred to the PCC, with the prospective dates of 7 to 11 June 2021 set down for that hearing. The Committee notes that the hearing in fact concluded on 10 June 2021. There is also evidence that Miss Sharples was aware far earlier of those proceedings, for instance because her employment probationary period was extended by Company A in March 2019 in light of those proceedings.</p> <p>On 28 June 2021 Miss Sharples attended an investigatory meeting with Witness A. In that meeting Miss Sharples stated that she had been aware in December [2020] that there would be a hearing in June [2021], but that she was not aware of the outcome.</p> <p>The Committee considers that this evidence demonstrates that Miss Sharples was aware of the proceedings being brought against her by GDC which culminated in a hearing before the PCC in June 2021.</p> <p>Accordingly, the Committee finds the facts alleged at head of charge 1 (a) proved.</p>
<p>1. (b)</p>	<p><i>the allegations, if proven, were capable of affecting your fitness to practise in your role; and</i></p> <p><b>Not proved</b></p>
	<p>The Committee finds the facts alleged at head of charge 1 (b) not proved.</p> <p>The Committee finds that the GDC has not adduced sufficient evidence to demonstrate that the fitness to practise concerns that Miss Sharples faced were capable of affecting her fitness to practice <i>in her role</i>. These concerns may have been capable of affecting her fitness to practise <i>per se</i>, and indeed were found to do so by the PCC in June 2021. However, as GDC registration, with its associated fitness to practise requirements, was not required by Company A for Miss Sharples' role, Committee finds that there is an insufficient basis for it to conclude that Miss Sharples' role with Company A was dependent on, or at least informed by, her fitness to practise.</p> <p>The evidence provided to the Committee from Witness A is that Miss Sharples did not need to be registered with the GDC in order to fulfil her role of practice manager. The Committee has also not been provided with any evidence to suggest that she worked for Company A as a dental nurse whilst being employed as a practice manager. In considering this head of charge, and head of charge 1 (c), the Committee is cognisant that Miss Sharples commenced a period of</p>

	<p>secondment to an information technology (IT) role with Company A on 7 June 2021. It has considered this role as well as the substantive role of practice manager, and notes that GDC registration was similarly not required for this IT-based role.</p> <p>The Committee was invited by the GDC to find that fitness to practise in a role is synonymous with suitability for a role. The Committee rejected that submission, and found that the two are not synonymous. ‘Fitness to practise’ has a clear, established and specific meaning in the context of professional regulation.</p> <p>The Committee therefore finds the facts alleged at head of charge 1 (b) not proved.</p> <p>For the avoidance of doubt, the Committee’s finding at this head of charge does not mean that the Committee takes a wider view that other heads of charge that Miss Sharples faces do not fall to be considered. Head of charge 1 (b), uniquely, invites the Committee to find that Miss Sharples’ role was dependent upon or informed by her fitness to practise. This contention, which the Committee has rejected for the reasons set out above, is not present in any other head of charge that Miss Sharples faces, and the Committee is content that all the remaining heads of charge can be properly considered as part of its factual inquiry.</p>
<p>1. (c)</p>	<p><i>you had an obligation to disclose information that may affect your suitability for your role.</i></p> <p><b>Not proved</b></p>
	<p>The Committee finds the facts alleged at head of charge 1 (c) not proved.</p> <p>The Committee has had regard to the written evidence of Witness M and Witness A. Witness M states that the GDC wrote to Miss Sharples on 11 June 2021 to inform her of the outcome of the PCC hearing which finished on the previous day. On 28 June 2021 Miss Sharples attended an investigatory meeting with Witness A. In that meeting Miss Sharples stated that she was not aware of the outcome of the hearing.</p> <p>The Committee is not satisfied that the GDC has demonstrated to the required standard that Miss Sharples was under an <i>obligation</i> to inform Company A of the outcome of the fitness to practise proceedings brought against her. The Committee has had regard to the terms and conditions of employment with Company A, which do not set out such a duty. Miss Sharples was contractually obliged to follow Company A’s <i>Rules, Policies and Procedures</i>, with which the Committee was not provided. The Committee was therefore not able to identify an obligation in those <i>Rules, Policies and Procedures</i>.</p> <p>The Committee then looked at other written documentation relating to Miss Sharples’ employment in order to determine whether she was under an obligation to inform Company A of the outcome of the fitness to practise proceedings brought against her.</p> <p>The Committee was invited by the GDC to have regard to Company A’s <i>Code of Conduct</i>. This document states, ‘<i>Failing to disclose information that could affect your suitability for your role may put your employment, a customer’s safety or</i></p>



	<p>[Company A's] <i>reputation at risk</i>'. Whilst this document describes matters which are 'must follow' matters, the document also describes itself as guidance, a 'resource to help you set clear expectations and goals' and as a resource to 'help you make the right [choices]'. In the Committee's judgement this <i>Code of Conduct</i> is a values document which does not have the contractual status of the <i>Rules, Policies and Procedures</i> mentioned above, and is therefore not a mandated set of formal rules. Witness A's oral evidence was that she felt that the <i>Rules, Policies and Procedures</i> mentioned above encompassed the <i>Code of Conduct</i> and other guidance, but the Committee does not accept this evidence because in her written evidence she characterises the <i>Code of Conduct</i> as '<i>behaviours and values we ask employees to work by</i>'. This further suggests to the Committee that the <i>Code of Conduct</i> does not set out the obligation that is alleged.</p> <p>The Committee has also had regard to the correspondence and documentation relating to Miss Sharples' extended probationary period and subsequent internal promotions. The probationary period was specifically extended in March 2019 on account of the then extant GDC investigation. There is no evidence that Miss Sharples' subsequent promotions were conditional on Miss Sharples disclosing any further information about those GDC proceedings, including the outcome. There is similarly no evidence that, when being promoted, Company A informed her that she should disclose such matters.</p> <p>In short, the Committee is not satisfied that the GDC has established to the standard required that any of the adduced evidence sets out the obligation that the GDC contends it sets out.</p>
	<p>* As set out above, in approaching head of charge 1, including its sub-particulars at 1 (a), 1 (b) and 1 (c), the Committee accepted the advice of the Legal Adviser that, in order for head of charge 1 to be found proved, the Committee would need to find each of the sub-particulars at 1 (a), 1 (b) and 1 (c) proved. As the Committee has found heads of charge 1 (b) and 1 (c) not proved, it follows that head of charge 1 as a whole is found not proved, notwithstanding its finding at head of charge 1 (a).</p>
2.	<p><i>Your actions in relation to allegation 1 lacked integrity in that you avoided learning of the outcome of the General Dental Council proceedings so as not to prejudice your employment.</i></p> <p><b>Not proved</b></p>
	<p>As the Committee has found head of charge 1 not proved, it follows that head of charge 2, founded as it is on head of charge 1, falls away and is not proved.</p>
3.	<p><i>You deprived one or more members of staff at Practice A and/or Practice B of the full benefit of their allocated Christmas gift, in or around December 2020.</i></p> <p><b>Not proved</b></p>
	<p>The Committee finds the facts alleged at head of charge 3 not proved.</p>



The Committee has heard that Miss Sharples identified five members of staff at Practice A, and five members of staff at Practice B who, being employed by Company A, would be eligible to benefit from a gift voucher issued by Company A to the value of £25.00. Miss Sharples herself was one of the identified members of staff.

The Committee has had regard to the guidance and directions that were given to managers such as Miss Sharples in relation to the vouchers. The '*On the Cusp*' and '*Weekly Check Up*' circulars provided suggestions for the use of the vouchers, including simply giving the vouchers to staff, using them to purchase gifts, including of food and drink, arranging food for the practice, or 'something to enhance your practice'.

The evidence provided to the Committee is that, in respect of Practice A, Miss Sharples identified herself, Witness D and three others as being entitled to receive the benefit of the vouchers. This represents a total of five members of staff. The Committee heard that Witness D recalls receiving three bottles of Rosé wine, and that she understood that others at Practice A received flowers and a potted plant.

Miss Sharples identified a further five members of staff who worked at Practice B as entitled to receive the benefit of vouchers, namely Witness I, Witness J, Witness K, Witness L and one other. Witness I recalls receiving a potted plant. Witness J and Witness K each recall receiving a bottle of Prosecco. Witness L recalls receiving a bottle of wine to the approximate value of £12.00. The evidence provided to the Committee is that Miss Sharples also cooked a chilli con carne at around the time of Christmas 2020 for staff at Practice B. The Committee has also heard that an individual who was not identified as an intended recipient of the benefit of a voucher, namely Witness H, nonetheless recalls receiving a potted plant to the approximate value of £10.00.

The Committee finds that Miss Sharples, as a Practice Manager, was given considerable latitude as to how to recognise and reward members of staff at Practice A and Practice B at Christmas 2020. The Committee considers that the guidance issued to her and other managers as summarised above provided significant discretion in this matter, and that it was not in and of itself inappropriate for her not to directly hand the vouchers that had been issued to the relevant members of staff.

The Committee also finds that the GDC has not adduced sufficient evidence for it to find that Miss Sharples, in exercising her discretion and apparently using the vouchers to purchase gifts and other items for staff, deprived staff of the full benefit of the vouchers. The evidence provided to the Committee does not demonstrate to the required standard that the gifts and benefits that were given to staff fell short of the total allocation. The evidence of the witnesses differed as to whether the substantive gift was accompanied by, for instance, a card, tags and a gift bag or other wrapping. The Committee has also not been provided with evidence of the actual cost of the items at the time at which they were purchased. Indeed, the '*On the Cusp*' circular states, '*although your pot is calculated based on the number of employees you have, it can be used for making Christmas special for everyone who works at the practice*', which further suggests latitude and discretion as to how the sum total of the vouchers could be used. The Committee has also taken into consideration that Miss Sharples may have used some of the benefit of the vouchers to prepare the Christmas meal referred to



	<p>above, which in the Committee’s judgement was within the terms as well as the spirit of the written guidance issued to her.</p> <p>The Committee therefore finds the facts alleged at head of charge 3 not proved.</p>
4.	<p><i>Your actions in relation to allegation 3 displayed a lack of integrity in that you took insufficient steps to ensure that members of staff received their full benefit.</i></p> <p><b>Not proved</b></p>
	<p>As the Committee has found head of charge 3 not proved, it follows that head of charge 4, founded as it is on head of charge 3, falls away and is not proved.</p>
5.	<p><i>You authorised the early closure of Practice A on:</i></p>
5. (a)	<p><i>27 May 2021</i></p> <p><b>Not proved</b></p>
5. (b)	<p><i>1 June 2021</i></p> <p><b>Not proved</b></p>
5. (c)	<p><i>2 June 2021</i></p> <p><b>Not proved</b></p>
5. (d)	<p><i>3 June 2021</i></p> <p><b>Not proved</b></p>
5. (e)	<p><i>4 June 2021</i></p> <p><b>Not proved</b></p>
	<p>The Committee finds the facts alleged at heads of charge 5 (a), 5 (b), 5 (c), 5 (d) and 5 (e) not proved.</p> <p>The Committee is satisfied from the evidence presented to it that Practice A closed early, that is to say before 1800 hours from Monday to Thursday and before 1700 hours on Fridays, on each of the five dates specified at the respective heads of charge. The Committee has been presented with a log of the times at which the alarm system was deactivated and activated, respectively, on arrival and departure from Practice A on the occasions giving rise to these heads of charge, as well as on other dates. The alarm log demonstrates that the practice closed at 1700 hours on 27 May 2021, at 1659 hours on 1 June 2021, at 1526 hours on 2 June 2021, at 1709 hours on 3 June 2021 and at 1533 hours on [Friday] 4 June 2021. The Committee has heard that these dates immediately preceded the commencement of Miss Sharples’ period of secondment to an IT role, which as set out above commenced on [Monday] 7 June 2021.</p>



When interviewed by Company A as part of its investigation on 28 June 2021 Miss Sharples specifically denied that she provided authorisation for the practice to close early on 1, 2, 3 and 4 June 2021. When reinterviewed as part of Company A's investigation on 8 July 2021 Miss Sharples maintained that, in respect of the two specific dates put to her in that interview, namely 2 and 3 June 2021, she had not authorised the early closure of the practice. The specific allegation concerning 27 May 2021 was not put to Miss Sharples at either investigatory meeting held on 28 June 2021 and 8 July 2021.

At the investigatory meeting on 28 June 2021 Miss Sharples went on to state that, in general, she would sometimes let staff leave slightly early. Whilst it is not clear from this evidence whether Miss Sharples was referring to self-employed dentists at the practice, or to employed members of the wider team, the Committee draws a distinction between occasions where members of staff might be permitted to leave ten or 15 minutes early and where, as appears to be case on the dates in question, the practice appears to have closed an hour or more early. The habit for the practice to close around 15 minutes early is attested to by the account of another receptionist at Practice A who has not provided a witness statement but whose comments at an investigatory meeting with Company A on 5 July 2021 have been produced by Witness A.

The Committee is mindful that the sole witness who provides evidence of Miss Sharples providing authorisation for the early closure of Practice A on the dates alleged is Witness D. The Committee has therefore taken great care in determining whether it is able to rely on the evidence of Witness D in determining whether, as Witness D states, Miss Sharples provided verbal authorisation to close Practice A early on the dates alleged. The Committee has found that it is not able to rely on the evidence of Witness D in support of this charge in light of what appear to be some apparent inconsistencies in her evidence.

First, with specific respect to head of charge 5 (e), which relates to 4 June 2021, Witness D stated in her evidence that Miss Sharples had authorised her to close Practice A early, and more particularly once an engineer who was due to attend had finished and left the practice. In her oral evidence Witness D stated that the engineer was expected to attend 'at teatime'. Miss Sharples was on annual leave on the day in question and was therefore not at the practice. The evidence of Witness B is that on 7 June 2021 Witness D had informed her that she had been at Practice A on 4 June 2021 with the attending engineer until approximately 1700 hours. However, this evidence runs contrary to the alarm log which suggests that Practice A had in fact been closed earlier at 1533 hours, as well as the log of the engineer's attendance, which is recorded as having finished at 1529 hours. The departure of Witness D at a time earlier than that stated in her evidence is further supported by Witness B's account of her attempting to telephone Practice A on 4 June 2021, but that there did not appear to be anyone present.

Second, in her witness statement Witness D stated that in her role she started work 15 minutes before Practice A opened, and finished work 15 minutes after it closed. The Committee notes that this evidence is contradicted by the evidence it has seen of the opening and closing terms of Practice A on occasions other than those specified at heads of charge 5 (a) to 5 (e).

In light of the inconsistent evidence adduced by the GDC in support of this head of charge, the Committee has not been able to find that Miss Sharples authorised the early closure of Practice A on 27 May 2021, 1 June 2021, 2 June 2021, 3

	<p>June 2021 or 4 June 2021. Accordingly, the Committee finds the facts alleged at heads of charge 5 (a), 5 (b), 5 (c), 5 (d) and 5 (e) not proved.</p>
6.	<p><i>You did not notify your employer of the early closure of Practice A on one or more of the dates set out in allegation 5(a)-(e).</i></p> <p><b>Not proved</b></p>
	<p>The Committee finds the facts alleged at head of charge 6 not proved.</p> <p>Head of charge 6 contends that Miss Sharples did not notify Company A of the early closure of Practice A on the five occasions specified at heads of charge 5 (a), 5 (b), 5 (c), 5 (d) and 5 (e). The stem of head of charge 5 alleges that Miss Sharples authorised those five early closures. The Committee has found above head of charge 5, which includes its sub-particulars at heads of charge 5 (a), 5 (b), 5 (c), 5 (d) and 5 (e), not proved.</p> <p>The Committee considered whether it could nonetheless be said that head of charge 6 could be found proved if it were to find that Miss Sharples did not notify Company A of the early closures, whether after the fact or otherwise, and regardless of whether she authorised, or even knew of, the closures. The Committee concluded that such an interpretation would be incompatible with the wording of head of charge 5 and its sub-particulars, as well as the manner in which the GDC has put its case, given that it is alleged that the practice closed early on the five occasions on the authority of Miss Sharples. The Committee has determined that the GDC has not established that Miss Sharples authorised the early closures, and the Committee has not been provided with evidence to demonstrate that she otherwise knew of those early closures in advance, or on, or shortly after, the specific dates.</p> <p>Accordingly, the Committee has applied a common-sense interpretation of head of charge 6 and, rather than reading it in isolation, has seen the head of charge as flowing from head of charge 5 and its sub-heads. As head of charge 5 and its sub-heads have been found not proved, it follows that head of charge 6 falls away and is similarly not proved.</p>
7.	<p><i>Your actions in relation to allegation 6 failed to follow the procedure required by your employer for the early closure of a practice and you should have known of those procedures.</i></p> <p><b>Not proved</b></p>
	<p>The Committee finds the facts alleged at head of charge 7 not proved.</p> <p>The Committee has found at head of charge 5 and its sub-heads that the GDC has not demonstrated to the standard required that Miss Sharples authorised the early closure of Practice A on the five specified occasions. It has also found that head of charge 6 above, founded as it was on Miss Sharples' alleged authorisation of the practice on those five occasions, was also not proved. It follows that head of charge 7, which in turn is founded on head of charge 6, falls away and is not proved.</p>

8.	<p><i>Your actions in relation to allegations 6 and/or 7 were misleading in that your employer was wrongly led to believe that Practice A abided by its contractual opening hours on the dates set out at allegation 5(a)-(e).</i></p> <p><b>Not proved</b></p>
	<p>The Committee finds the facts alleged at head of charge 8 not proved.</p> <p>As the Committee has found heads of charge 6 and 7 not proved, it follows that head of charge 8, founded as it is on heads of charge 6 and 7, falls away and is not proved.</p>
9.	<p><i>You removed two whitening kits from Practice A for your personal use without paying for them:</i></p>
9. (a)	<p><i>In or around December 2019; and/or</i></p> <p><b>Proved</b></p>
9. (b)	<p><i>In or around January 2020</i></p> <p><b>Not proved</b></p>
	<p>The Committee finds the facts alleged at heads of charge 9 (a) proved. It finds the facts alleged at head of charge 9 (b) not proved.</p> <p>The evidence of Witness D is that in December 2019 Miss Sharples took two tooth whitening kits from Practice A. This evidence is corroborated by the relevant stock record for December 2019. Witness D stated that she flagged on the R4 computer records system for Miss Sharples that Miss Sharples had taken those two kits. That note was subsequently removed.</p> <p>Witness D stated that Miss Sharples then took a further two kits in the following month, namely January 2020, and that Witness D again flagged on Miss Sharples' entry on the R4 system that Miss Sharples had done so. That note was subsequently removed. Witness D stated in evidence that in January 2020 she observed Miss Sharples leaving with two tooth whitening kits, and that Miss Sharples stated to her, '<i>you'll kill me, I already owe you for the previous ones</i>', or words to that effect.</p> <p>The Committee notes from Miss Sharples' R4 records that she made payment for other items that she took from the practice, including Tepe interdental brushes, but that there is no record of her making payments for tooth whitening kits that are alleged to have been taken in December 2019 and January 2020.</p> <p>Whilst the Committee has heard conflicting evidence as to the cost of the tooth whitening kits, the Committee accepts the evidence presented to it that Miss Sharples did not make payment for the kits that she took in December 2019 as alleged at head of charge 9 (a). In addition to the stock record referred to above, there is further corroboration for Witness D's evidence in support of this head of charge from Miss Sharples, namely the notes of the investigation meeting that Miss Sharples attended on 8 July 2021. In that meeting Miss Sharples was asked</p>

	<p>about kits that she may have taken from the practice in December 2019. The Committee considers that the notes of the meeting demonstrate that Miss Sharples accepted that she had not made payment for the kits that she had taken in December 2019.</p> <p>The Committee does not find that the GDC has demonstrated to the standard required that Miss Sharples took a further two tooth whitening kits without making payment in January 2020. The Committee noted that there was no documentary evidence to support Witness D's evidence, for instance in the form of a stock record, and it was not able to solely rely on her account in respect of this particular head of charge. The Committee also noted that the alleged removal of two further tooth whitening kits in January 2020 was not put to Miss Sharples when she was interviewed as part of Company A's investigation, and therefore that the corroborative evidence that is present in relation to head of charge 9 (a) is not present in relation to head of charge 9 (b).</p> <p>The Committee therefore finds the facts alleged at heads of charge 9 (a) proved, and the facts alleged at head of charge 9 (b) not proved.</p>
10.	<i>Your actions in relation to allegation 9:</i>
10. (a)	<p><i>Displayed a lack of integrity; and/or</i></p> <p><b>Proved in respect of head of charge 9 (a)</b></p>
	<p>The Committee finds the facts alleged at head of charge 10 (a) proved in respect of 9 (a).</p> <p>In approaching this head of charge, the Committee has taken account of the joined case of <i>Wingate and Evans v SRA and SRA v Malins</i> [2018] EWCA Civ. 366.</p> <p>The Committee finds that, by removing two sets of tooth whitening kits for personal use without making payment, Miss Sharples failed to adhere to the standards expected of a professional person and diverted from the ethical standards of her profession.</p> <p>The Committee therefore finds that Miss Sharples displayed a lack of integrity in her actions. Accordingly, the Committee finds the facts alleged at head of charge 10 (a) proved in respect of head of charge 10 (a).</p>
10. (b)	<p><i>Were dishonest, in that you did not pay for the items when you knew you were required to do so.</i></p> <p><b>Proved in respect of head of charge 9 (a)</b></p>
	<p>The Committee finds the facts alleged at head of charge 10 (b) proved in respect of head of charge 9 (a).</p> <p>In approaching this head of charge the Committee applied the test set out in <i>Ivey v Genting Casinos (UK) Ltd. t/a Crockfords</i> [2017] UKSC 67. The test is that the Committee must decide subjectively the actual state of Miss Sharples' knowledge or belief as to the facts, and must then apply the objective standards of ordinary</p>

and decent people to determine whether her conduct was dishonest by those standards.

In determining Miss Sharples' actual knowledge and belief, the Committee has again had regard to the notes of the investigation interview that Miss Sharples attended on 8 July 2021 referred to above. In that interview Miss Sharples accepted that she had not paid for the kits that she took from the practice in December 2019, and was aware that she owed money to the practice arising from her removal of the kits. The Committee considers that this demonstrates that Miss Sharples was aware that she had removed the kits from the practice without paying for them. In that interview Miss Sharples stated that there had been a dispute, or at least a doubt, as to the value of the kits that she took. The Committee noted this evidence, but it considered that the intervening period of some 18 months was more than adequate for her to resolve the issue and make payment should she have wished to do so. That she did not do so suggests to the Committee that her actual state of knowledge was that she had no intention of paying for the items.

The Committee also considers that Miss Sharples' conduct was dishonest by reference to the objective standards of ordinary and decent people. Put shortly, taking items, and not paying for them when she knew that she must do so, would plainly be regarded as dishonest behaviour by ordinary and decent people.

Accordingly, the Committee finds the facts alleged at head of charge 10 (b) proved in respect of head of charge 9 (a).

18. We move to stage two.

### **Determination on misconduct, impairment and sanction – 7 August 2024**

19. Following the handing down of the Committee's findings of fact on 6 August 2024, the hearing proceeded to stage two; that is to say, misconduct, impairment and sanction.

#### **Proceedings at stage two**

20. The Committee has considered all the evidence presented to it, both oral and written. It has taken into account the submissions made by Ms Hollos on behalf of the GDC. In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has accepted the advice of the Legal Adviser.

#### **Evidence at stage two**

21. The Committee received no further oral evidence at this stage of the hearing.

22. The Committee received a bundle of documents from the GDC containing three PCC determinations in respect of Miss Sharples.

23. The first of those determinations set out that in June 2021 the PCC held a hearing to consider allegations about Miss Sharples' fitness to practise. Miss Sharples was not present and was not represented in her absence. The PCC found that Miss Sharples had appropriated petty cash in the approximate amounts of £280.00 and £300.00 which had been designated for staff Christmas parties in October 2017 and October 2018 respectively. The Committee found

that the appropriation of around £280.00 that occurred in October 2017 represented conduct that was misleading and dishonest. The Committee determined that Miss Sharples' fitness to practise was impaired by reason of the misconduct that arose from those proven facts. The Committee then directed that her name be suspended from the register for a period of 12 months, with a review hearing to take place prior to the end of that period of suspended registration.

24. The second determination sets out the findings of the PCC which reviewed Miss Sharples' suspension in May 2022. Miss Sharples was again not present and was not represented in her absence. The Committee determined that Miss Sharples' fitness to practise remained impaired, and that the appropriate sanction to impose was one of an extension to the suspension for a further period of 12 months. The PCC determined that the extended period of suspended registration should be reviewed prior to its expiry.
25. The third determination sets out the findings of the PCC which reviewed Miss Sharples' suspension in June 2023. The Miss Sharples was once more not present and was not represented in her absence. The Committee determined that Miss Sharples' fitness to practise remained impaired, and that the appropriate sanction to impose was one of indefinite suspension from the register.

### **Fitness to practise history**

26. Ms Hollos addressed the Committee in accordance with Rule 20 (1) (a) of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). Ms Hollos drew the Committee's attention to Miss Sharples' fitness to practise history as referred to in the preceding paragraphs.

### **Submissions**

27. Ms Hollos submitted that the facts that the Committee has found proven at heads of charge 9 (a), 10 (a) and 10 (b) amount to misconduct. Ms Hollos submitted that Miss Sharples' fitness to practise is currently impaired. Ms Hollos submitted that there is a real risk of repetition of conduct that was dishonest and lacking in integrity. Ms Hollos also submitted that a finding of impairment is also required in the wider public interest. Ms Hollos invited the Committee to impose a sanction of erasure from the register, and that such a sanction is indicated because of the '*thematic similarity*' and '*pattern of behaviour*' that she submitted is evident in light of the previous findings of the PCC as referred to above.

### **Misconduct**

28. The Committee first considered whether the facts that it has found proved at heads of charge 9 (a), 10 (a) and 10 (b) constitute misconduct. In considering this and all other matters, the Committee has exercised its own independent judgement.
29. In its deliberations the Committee has had regard to the following paragraphs of the GDC's *Standards for the Dental Team* (September 2013) in place at the time of the incidents giving rise to the facts that the Committee has found proved at heads of charge 9 (a), 10 (a) and 10 (b). These paragraphs state that as a dental care professional:

*1.3 You must be honest and act with integrity.*

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

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

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

30. The Committee's findings at heads of charge 9 (a), 10 (a) and 10 (b) relate to Miss Sharples having taken two tooth whitening kits from Practice A for her own use without paying for them. The Committee found that such conduct was lacking in integrity and was dishonest.

31. In light of the findings of fact that it has made, the Committee has determined that the proven facts amount to misconduct. The Committee finds that Miss Sharples' conduct fell far short of the standards reasonably to be expected of a registered dental professional. The Committee considers that the proven conduct was serious. It notes that it took place at work when Miss Sharples was in a position of relative seniority, and resulted in another member of staff having to remind Miss Sharples of her failure to make payment. The Committee considers that the relatively low cost of the items that Miss Sharples took does not detract from the seriousness of her actions. The Committee considers that the public, colleagues and employers should be able to rely on a registrant's honesty and trustworthiness, and it specifically considers that acting with honesty and integrity is a fundamental tenet of the profession. The Committee finds that Miss Sharples' dishonest conduct was capable of bringing the profession into disrepute, and that her acts would be viewed as deplorable by her fellow practitioners.

32. The Committee has therefore determined that the facts that it has found proved at heads of charge 9 (a), 10 (a) and 10 (b) amount to misconduct.

### **Impairment**

33. The Committee next considered whether Miss Sharples' fitness to practise is currently impaired by reason of the misconduct that it has found. In doing so, the Committee again exercised its own independent judgement.

34. Throughout its deliberations, the Committee has borne in mind that its overarching objective is to protect the public, which includes the protection of patients and the wider public, the maintenance of public confidence in the profession and in the regulatory process, and the declaring and upholding of proper standards of conduct and behaviour.

35. The Committee finds that Miss Sharples' fitness to practise is currently impaired by reason of the misconduct that it has found. The Committee considers that Miss Sharples' dishonest conduct is highly damaging to her fitness to practise. The Committee notes that Miss Sharples has provided no evidence whatsoever to demonstrate that she had developed any insight into her misconduct, or that she has taken steps to remedy that misconduct. The Committee is further concerned to note that its findings of misconduct follow an earlier finding of the PCC in relation to conspicuously similar dishonest conduct. The Committee therefore considers that Miss Sharples' misconduct is liable to be repeated. Whilst the Committee's findings are not directly contiguous to issues of patient safety and patient harm, its findings relate to an act of dishonest conduct which, if repeated in a different context at work, might harm patients and the public. The Committee finds that Miss Sharples' conduct represents her putting her own interests before those of others, which also raises public protection concerns. Accordingly, the Committee finds that Miss Sharples fitness to practise is currently impaired.



36. The Committee considers that a finding of impairment is also, and undoubtedly, required to maintain public confidence in the profession and to declare and uphold proper professional standards of conduct and behaviour. In the Committee's judgement the public's trust and confidence in the profession, and in the regulatory process, would be significantly undermined if a finding of impairment was not made given the serious nature of Miss Sharples' misconduct.
37. Accordingly, the Committee finds that Miss Sharples' fitness to practise is currently impaired by reason of her misconduct.

### Sanction

38. The Committee then determined what sanction, if any, is appropriate in light of the findings of facts, misconduct and impairment that it has made. The Committee recognises that the purpose of a sanction is not to be punitive, although it may have such an effect, but is instead imposed to protect patients and safeguard the wider public interests mentioned above.
39. In reaching its decision the Committee has again taken into account the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has applied the principle of proportionality, balancing the public interest with Miss Sharples' own interests. The Committee has once more exercised its own independent judgement.
40. The Committee has paid careful regard to the mitigating and aggravating factors present in this case.
41. In respect of the mitigating factors that are present, the Committee is mindful that its factual findings relate to a single, isolated event.
42. In terms of aggravating factors, the Committee is mindful that its findings relate to dishonest conduct which involved a breach of trust and which is likely to have resulted in a financial gain for her. The Committee finds that Miss Sharples' failure to make payment for the tooth whitening kits that she took was sustained over a protracted period of time. The Committee is also mindful that Miss Sharples was the subject of previous adverse regulatory findings, and that, as set out above, there is no evidence before the Committee to suggest that she has any insight into her misconduct.
43. In the light of its findings, the Committee considers that taking no action, or issuing a reprimand, would not be sufficient in the particular circumstances of this case. In the Committee's judgement public trust and confidence in the profession and in the regulatory process would be significantly undermined if no action were taken or a reprimand were issued. The Committee also considers that taking no action or issuing a reprimand would not adequately protect the public, and would not be sufficient to declare and uphold proper professional standards of conduct and behaviour.
44. The Committee also considers that a direction of conditional registration would not be sufficient to meet the public protection and public interest considerations engaged in this case. The Committee is mindful that Miss Sharples is not present, and that it has no information about her current intentions or her willingness to comply with any conditions that might be capable of being formulated. In any event, the Committee considers that conditions could not be formulated to deal with the risks that arise from Miss Sharples' dishonest conduct. It also considers that a direction of conditional registration would not safeguard the public and the wider public interest considerations referred to above.

45. The Committee then went on to consider whether a direction of suspended registration would represent an appropriate and proportionate outcome. After careful consideration the Committee has determined that suspension would not be sufficient to protect the public or meet the public interest considerations that it has identified above. Miss Sharples has provided no evidence whatsoever of any insight into, or remediation of, her misconduct, and has not suggested that she has any intention of doing so.
46. The Committee has therefore determined that the only appropriate and proportionate sanction to impose in the particular circumstances of this case is that of erasure. Miss Sharples' misconduct represents a serious departure from professional standards and is highly damaging to her fitness to practise. The Committee is also mindful that the dishonest conduct that it has found is of a very similar nature to the dishonest conduct identified by the previous PCC in 2021 as referred to above. The Committee notes that, at the review hearings held by the PCC in 2022 and 2023, Miss Sharples did not provide any evidence of insight into, or remediation of, that earlier finding of dishonest conduct. In the Committee's judgement that previous finding, when viewed alongside this Committee's finding, suggests a pattern of behaviour and, moreover, a deep-seated professional attitudinal problem. In all the circumstances, the Committee considers that Miss Sharples' dishonest conduct is fundamentally incompatible with registration. For these reasons, the Committee has determined that the appropriate sanction to impose is erasure from the register.
47. The Committee now invites submissions as to whether to impose an immediate order of suspension.

#### **Determination on immediate order – 7 August 2024**

48. Following the handing down of the Committee's determination on impairment and sanction on 7 August 2024, the hearing continued on that same day to consider whether to impose an immediate order.
49. Ms Hollos on behalf of the GDC invited the Committee to impose an immediate order of suspension on the grounds that such an order is necessary to protect the public and is otherwise in the public interest.
50. The Committee has again had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee accepted the advice of the Legal Adviser.
51. The Committee considers that an immediate order of suspension is necessary to protect the public and is otherwise in the public interest. The Committee has determined that, given the risks to the public and the public interest that it has identified, it would not be appropriate to permit Miss Sharples to practise before the substantive direction of erasure takes effect. The Committee considers that an immediate order for suspension is consistent with the findings that it has set out in its foregoing determination. The Committee is mindful that, although Miss Sharples is currently subject to a direction of indefinite suspension from the register in relation to different proceedings, that direction is not irrevocable. In the Committee's judgement it would therefore not be sufficient for public protection and public interest purposes to assume the persistence of that indefinite suspension and to not impose an immediate order.
52. The effect of the foregoing determination and this immediate order is that Miss Sharples' registration will be suspended from the date on which notice of this decision is deemed to have been served upon her. Unless she exercises her right of appeal, the substantive direction of erasure will be recorded in the register 28 days from the date of deemed service.

Should Miss Sharples decide to exercise her right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.

53. That concludes this case.