

## PUBLIC HEARING

### Professional Conduct Committee Review Hearing

11 October 2024

**Name:** JAN, Akhtar  
**Registration number:** 62106  
**Case number:** CAS-194669-N2Z0Z9

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**General Dental Council:** Chris Saad, counsel  
Instructed by IHLPS

**Registrant:** Present  
Not represented at the hearing

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**Outcome:** Suspension revoked and conditions imposed (with a review)  
**Duration:** 18 months  
**Immediate order:** Immediate order of conditions

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**Committee members:** Andy Waite (Chair) (Lay)  
Amita Janda-Dhami (Dentist)  
Stephanie Carter (DCP)

**Legal adviser:** Conor Heaney

**Committee Secretary:** Paul Carson

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Mr Jan,

1. This is a resumed hearing pursuant to section 27C of the Dentists Act 1984. The hearing was conducted remotely using Microsoft Teams.
2. On 19 April 2023, the Professional Conduct Committee (PCC) found your fitness to practise to be impaired by reason of misconduct and directed that your registration be made subject to your compliance with conditions for a period of 12 months with a review.
3. The misconduct found by the PCC related to your failures as practice principal to adhere to laws, regulations, standards and policies in respect of the Disposal of clinical waste, Emergency medical equipment, Decontamination procedures, and Health and safety requirements, including immunisations, Legionella risks assessments and staff risk assessment. These failures were identified by the Care Quality Commission (CQC) at inspections of your practice on 27 February 2019 and 2 July 2019, following which the CQC made the decision to cancel your clinic's registration. In finding misconduct, the April 2023 PCC '*noted that there was a pattern of failure to adhere to current laws, regulations, standards and policies over an extended period and was satisfied that these failures had the potential to result in patient harm*'.
4. In finding that your fitness to practise was currently impaired, the April 2023 PCC stated:

*'...in your brief written reflection you apologised for your failings and demonstrated some insight, identifying where you had staffing issues in the past and how you addressed this to reduce the resulting risks. Beyond your assurance that it would not happen again, the Committee was not provided with any evidence that directly addressed what you have learned from the concerns or what you have since implemented to reduce ongoing risks. At this time, you have not fully demonstrated meaningful insight that would assure the Committee that you have adequately addressed your failings and minimised the risk of repetition.*

*In the absence of such evidence, the Committee concluded that a finding of current impairment is required on the grounds of patient protection.*

*The Committee bore in mind the overarching objective to maintain public confidence in the profession and upholding standards. It concluded that public confidence would be undermined if a finding of impairment were not made in a case where the owner and manager of a dental practice had failed to adhere to national and regulatory requirements and has, to date, been unable to provide sufficient evidence of remediation and insight. Therefore, the Committee also finds your practice impaired on the grounds of public interest.'*

5. The conditions imposed by the April 2023 PCC included a requirement that you provide a reflective piece to the GDC within 14 days of any review hearing: '*demonstrating his understanding of the issues raised in this case and his need to ensure compliance with current laws, regulations, standards and policies in force, in particular those relating to:*
  - a) *Disposal of clinical waste;*
  - b) *Emergency medical equipment;*
  - c) *Decontamination procedures; and*

d) *Health and safety requirements, including immunisations, Legionella risks assessments and staff risk assessment.*' (condition 7)

6. The conditions also required you to provide the GDC with three monthly audits demonstrating compliance with current laws, regulations, standards and policies in force in relation to those aspects of clinical practice (condition 8).
7. The PCC reviewed your case on 25 April 2024 where it was not in dispute that you had failed to comply fully with conditions 7 and 8. The PCC found that your fitness to practise continued to be impaired by reason of misconduct and directed that the conditions be replaced with a period of suspension for 6 months with a review, stating:

*'The Committee bore in mind that you are willing to comply with the conditions and to address your failings by way of a further period of conditional registration. However, the Committee noted that you have not provided a complete set of audits, nor have you provided a reflective statement. The Committee took into account submissions made on your behalf and that you had struggled to understand what reflection was needed. However, it considers that you have failed to engage fully with the GDC, for example by failing to inform the GDC promptly as to why you were not able to comply. The Committee noted that at present you are not practising and there is no clear indication of when you will do so. The Committee considers that it would be hard to formulate conditions given your circumstances and lack of compliance. Also, it has taken into account your lack of engagement and communication with your regulator. It considers that you had ample opportunities to provide a reflective statement in the last year, particularly given that you have not been practising since July 2023.*

*The Committee is satisfied that for conditions to be workable, you would need to demonstrate a satisfactory level of engagement and communication with your regulatory body. To date you have failed to provide requested audits and a reflective statement during the last year, despite numerous requests from the GDC. In the light of all the evidence, the Committee considered that conditional registration is no longer workable. In view of the Committee's concerns about the risk that you could repeat your misconduct, it determined that it would not be appropriate to continue the current conditions of practice order either in their current form or a revised form.*

*In all the circumstances, the Committee has therefore determined to suspend your registration. Whilst it had regard to the serious nature of such a sanction and the potential consequences for you, the Committee considered that the need to protect the public and the wider public interest is paramount. It took into account that the failings identified in your case were considered to be remediable and could have been dealt with by you, if you had demonstrated an appropriate level of engagement. Instead, you have failed to properly engage in this process that is designed to assist you and to afford protection to the public. In view of this, it has concluded that members of the public and the wider public interest would not be sufficiently protected by a lesser sanction than suspension.*

*The Committee has decided to impose a suspension order for a period of 6 months. In deciding on this period, the Committee took into account the lack of progress that has been made by you since the original PCC hearing. It now considers that a significant amount of remediation and engagement will be required on your part to*

*ensure that your practice accords with the necessary standards. A 6-month suspension would afford you the opportunity to reflect and engage fully with the GDC and to take appropriate action in relation to all the matters in this case. It will also ensure that the public is protected adequately.'*

*The resumed hearing 11 October 2024*

8. It is the role of the Committee today to review the suspension imposed by the April 2024 PCC. The Committee received from you a written reflective piece and heard the submissions made on behalf of the General Dental Council (GDC) by Mr Saad and those which you made on your own behalf.
9. Mr Saad submitted that your reflective statement does not adequately address the concerns which have been identified in these proceedings. He submitted that your fitness to practise continues to be impaired and that the suspension of your registration should be extended by a further period of six months with a review. If the Committee were to give such a direction, he invited the Committee to consider providing you with advice on the kind of remediation material which the reviewing Committee might find of assistance.
10. In your submissions, you initially addressed the Committee regarding the competency and fairness of the CQC's inspections of your practice and explained that you do not accept the corresponding findings against you which were made by the initial PCC. However, following intervention from the Chair, you accepted that the role of this reviewing Committee is to consider your current fitness to practise and not to revisit the findings of fact which were reached by the initial PCC.
11. Whilst you have provided some reflections to this Committee, you explained that you do not accept the findings of the initial PCC. You indicated that you were in the process of preparing litigation before the High Court to challenge those findings. You also made reference to a period of significant illness which had impacted on your ability to undertake remedial activity, such as attendance at Continuing Professional Development (CPD) events.
12. You explained that your aspiration for the future is to return to clinical practice to complete treatment for your patients, whom you stated are keen to continue to be treated by you, before retiring from dentistry in around a year. In your most recent reflective piece, you also discussed the possibility of working in a hospital environment.

### *Decision*

13. The Committee accepted the advice of the Legal Adviser.
14. The first consideration for the Committee is whether your fitness to practise continues to be impaired by reason of the misconduct found by the initial PCC in April 2023. There was a persuasive burden on you to demonstrate to this reviewing Committee that you acknowledge the findings of the initial PCC and have taken adequate steps to address them.
15. The Committee concluded that there continues to be a lack of any satisfactory evidence from you of insight or remediation. The reflective statement which you provided is in relatively brief terms and, whilst some remediable steps have been

taken, does not adequately address the misconduct and impairment which was found by the initial PCC. The Committee acknowledges that you dispute some of what was found by the initial PCC but this Committee cannot depart from the findings of fact which were reached on that occasion. Those findings are binding for the purposes of these proceedings and they form part of the factual basis on which this Committee must assess whether your fitness to practise continues to be impaired.

16. The Committee's view was that your reflective piece, whilst dealing with factual areas of concern, did not go on to consider broader issues touching on your insight and remediation. The Committee acknowledged that a reason for this could have been that English is not your first language, which may have been a factor in what the Committee found was a very factual, rather than reflective, written piece.
17. In the absence of any sufficient evidence of insight and remediation, the Committee cannot be satisfied that the risk of your repeating your misconduct is low. In those circumstances, there would be a risk of harm to patients and practice staff should you be allowed to return to unrestricted practice with clinical governance and management responsibility. There is insufficient evidence before the Committee to show that you acknowledge the failings identified by the initial PCC and that you have taken sufficient steps to remedy them to assure the Committee that the risk of repetition is low. Whilst there is evidence of continued engagement and developing insight, there has been limited meaningful progress in your remediation since the last review hearing when your registration was suspended.
18. The Committee also determined that public confidence in the profession and in the GDC as regulator would be undermined if there were no current finding of impairment made, given your continued lack of full remediation.
19. Accordingly, the Committee determined that your fitness to practise continues to be impaired by reason of misconduct.
20. The next consideration for the Committee was what further action, if any, should be taken in respect of your registration.
21. The Committee determined that the continued restriction of your registration remains necessary to protect the public and to maintain wider public confidence in the profession and this regulatory process.
22. The Committee considered your reflective statement, which sets out your practices in relation to the failings which have previously been found proved. In addition, the Committee had regard to your oral submission which expanded upon your reflective statement and also raised health issues which you stated had prevented you from making progress in bringing about necessary improvements in your practice. Having carefully considered your reflective statement and the oral submission which you gave to the Committee at this review, the Committee considered that this amounted to a material change of circumstances.
23. The Committee considered whether conditions of practice could be formulated which would be workable, measurable and proportionate. The Committee was mindful that your failings relate to clinical governance and management rather than your own clinical skills and competency as a dental surgeon. In the Committee's judgment, those failings are remediable through the framework of conditional registration, with

conditions requiring you to work under supervision in a hospital setting or as a practice associate, provided you have no clinical governance or management responsibility.

24. The Committee determined that the continued suspension of your registration would be disproportionate to the misconduct which had been found against you. That misconduct is relative narrow in scope, in that it relates to clinical governance and management rather than to your competence as a dentist, and is remediable with your continued engagement and reflection.
25. Accordingly, the Committee directs that the suspension be terminated and replaced with conditions of practice. The conditions shall appear against your name in the Register as follows:
  1. He must notify the GDC promptly of any post he accepts for which GDC registration is required and the Commissioning Body on whose Dental Performers List he is included.
  2. If employed, he must provide contact details of his employer and allow the GDC to exchange information with his employer or any contracting body for which he provides dental services.
  3. He must provide the contact details of any practices of which he is an owner or part owner and allow the GDC to exchange information with the practice manager.
  4. He must also provide the GDC with any details of self-employment, whether in practice as an associate dentist or in a hospital setting.
  5. He must inform the GDC of any formal disciplinary proceedings taken against him, within 7 days from the date of this determination.
  6. He must inform the GDC if he applies for dental employment outside the UK within 7 days from the date of application.
  7. He must inform the GDC within 7 days of any complaints made against him, from the date of this determination.
  8. He must only work in a hospital setting or as a practice associate, in a role which does not include any clinical governance or practice management responsibility.
  9. At any time he is employed, or providing dental services, which require him to be registered with the GDC; he must place himself and remain under the supervision of a workplace supervisor nominated by him, and agreed by the GDC.
  10. He must allow his workplace supervisor to provide reports to the GDC at intervals of not less than 3 months.
  11. He must keep his professional commitments under review and limit his dental practice in accordance with his workplace supervisor's advice.
  12. He must undertake training on compliance with current laws, relations, standards and policies in force, in relation to:



- a) Disposal of clinical waste;
  - b) Emergency medical equipment;
  - c) Decontamination procedures;
  - d) Health and safety requirements, including immunisations, Legionella risks assessments and staff risk assessment; and
  - e) Audit.
- And provide evidence of this at least 14 days prior to any review hearing.

13. He must provide a reflective piece to the GDC demonstrating his understanding of the issues raised in this case and his need to ensure compliance with current laws, regulations, standards and policies in force, in particular those relating to:

- a) Disposal of clinical waste;
- b) Emergency medical equipment;
- c) Decontamination procedures; and
- d) Health and safety requirements, including immunisations, Legionella risks assessments and staff risk assessment.

This must be provided at least 14 days before any review of this order.

14. He must inform within 1 week the following parties that his registration is subject to the conditions, listed at (1) to (13), above:

- a) Any organisation or person employing or contracting with him to undertake dental work,
- b) Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application),
- c) Any prospective employer (at the time of application),
- d) The Commissioning Body in whose Dental Performers List he is included, or seeking inclusion (at the time of application),
- e) All staff at his place of work.

15. He must permit the GDC to disclose the above conditions, (1) to (14), to any person requesting information about his registration status.

26. The period of conditional registration shall be for 18 months to allow you sufficient time to demonstrate embedded improvement in practice. The conditions shall be reviewed before their expiry. The conditions shall take immediate effect in accordance with section 30(2) of the Dentists Act 1984.

27. That concludes this determination.