Dental Professionals Hearings Service

Professional Conduct Committee
Initial Hearing

1 – 4 September 2026

Name:	REBOLA COSTA, João Miguel
Registration number:	217702
Case number:	CAS-209366-C9F2G9

General Dental Council:	Victoria Shehadeh, Counsel Instructed by Amy Jones, IHLPS
Registrant:	Present Represented by Christopher Geering, Counsel Instructed by Daryl Tollervey, MDDUS

Fitness to practise:	Impaired by reason of misconduct
Outcome:	Erased
Immediate order:	Immediate suspension order

Committee members:	Paul Hepworth	(Chair, lay member)
	Annika Hindocha	(Dentist member)
	Susan Parkins	(Lay member)
Legal adviser:	Paul Kilcoyne	
Committee Secretary:	Sara Page	

1. This is a Professional Conduct Committee (PCC) hearing. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.

2. You were present at the hearing and represented by Mr Christopher Geering, Counsel, instructed by MDDUS.

3. Ms Victoria Shehadeh, Counsel, appeared as Case Presenter on behalf of the GDC.

Preliminary matter

Application for the hearing to be held partly in private

4. At the outset of the hearing, Mr Geering made an application pursuant to Rule 53 of the *'General Dental Council (Fitness to Practise) Rules Order of Council 2006'* ('the Rules') that this hearing be held partly in private where reference is to be made to your private and family life.

5. Ms Shehadeh indicated that she raised no objection to the application.

6. The Committee heard and accepted the advice of the Legal Adviser, who referred to Rule 53(2), as follows:

> ***53.****— (2) All or part of a hearing may be held in private—*
>
> *(a) where the interests of the parties or the protection of the private and family life of the respondent or any other person so requires…*

7. The Committee bore in mind that, as a starting point, hearings should be conducted in public session. However, having heard that reference will be made to your health and family life, the Committee was satisfied that your personal interests outweighed the public interest in this case.

8. The Committee was therefore satisfied that the hearing should move into private session when discussing matters relating to your private and family life and acceded to Mr Geering's application.

9. The Committee therefore determined that the hearing should be held partially in private, and directed that two versions of the determination be made available, with appropriate redactions made to the public version.

Charges

10. The charges being considered by the Committee, as detailed in the Notice of Hearing, dated 27 July 2026, are as follows:

> *'That being registered as a Dentist:*
>
> *1) You provided falsified references to [Practice 1] from:*
>
> *(a) Person A and/or*
> *(b) Person B*

> 2) *You failed to provide full details of your employment history to the General Dental Council in the working arrangements form when required to do so;*
>
> 3) *You failed to notify [Practice 1] of your conditional inclusion on the NHS Performer's List;*
>
> 4) *Your actions in respect of charge 3) breached the conditions imposed by NHSE as part of your inclusion on the NHS Performer's List;*
>
> 5) *Your actions in respect of charges 1) and/or 2) and/or 3) and/or 4) above were:*
>
> *(a) misleading;*
> *(b) dishonest;*
> *(c) lacking integrity.*
>
> *AND that by reason of the matters alleged above, your fitness to practise is impaired by reason of misconduct.'*

11. At the outset of the hearing, Mr Geering, on your behalf, informed the Committee that you made admissions for the following charges:

    - Charges 1)(a) and 1)(b)
    - Charge 5) is admitted in respect of Charges 1)(a) and 1)(b).

12. Mr Geering confirmed that you deny the remaining charges.

13. Having carefully considered each of the admissions detailed, the Committee was satisfied that your admissions were clear and unambiguous and further evidence was not required in order to explore the facts of Charges 1) and 5), in respect of Charge 1) only.

14. Accordingly, the Committee accepted your admission in relation to Charges 1)(a) and (b). It therefore found **Charges 1)(a) and (b) proved** by way of your admission.

15. The Committee accepted your admission to Charge 5) as it related to Charge1)(a) and (b). Because Charge 5) encompassed other charges it did not find it proved by way of admission at this preliminary stage as it wanted to consider the wider charge at the end of Stage 1.

<u>Stage 1 (Finding of facts)</u>

16. In its consideration of the remaining disputed allegations, the Committee had regard to the background of this case and the evidence adduced.

Background and case summary

<u>Charge 1)</u>

17. You registered as a dentist with the GDC on 3 November 2011, having qualified abroad. You moved to the United Kingdom in March 2012.

18. Witness B, dentist and practice owner of Practice 1, recruited you in April 2023. She offered you a job following a successful interview with her. You accepted the offer and worked at Practice 1 for seven weeks between May to June 2023.

19. Witness B first requested your reference details in the course of interviewing you and again by email on 17 April 2023. You provided contact details for two referees on 20 April 2023. These were apparently the email addresses of two fellow dentists, Witness C and Witness A.

20. Witness B used these email addresses asking whether either referee had any concerns about you and asking them to complete feedback in several categories. She received responses from both e-mail addresses providing positive endorsements of you.

21. In fact, these email addresses were fictitious, and the responses Witness B received from these fictitious email addresses were fake, and were written by the you. You had worked with both Witness C and Witness A, but they had not agreed to provide references for you and the addresses given by you were not in fact their e-mail addresses.

22. This came to light after you had already been dismissed from Practice 1. Witness B was speaking to an associate dentist who was married to one of the referees. When discussing you, it emerged that the e-mail address you provided for her husband was wrong.

23. Witness B telephoned Witness A and asked him whether he had provided a reference for you and he confirmed he had not done so.

24. Witness B also contacted Witness C by email and asked whether he had provided a valid reference. He responded that he had not in fact provided a reference.

25. Both Witness A and Witness C have confirmed the same to the GDC, stating that they had both worked with you and would not have been prepared to provide references.

<u>Charges 3) and 4)</u>

26. In June 2023, Witness B added your details to the NHS contract for Practice 1. The next day, she received a telephone call from NHS England (NHSE) informing her that you had restrictions on your NHS practice, including that you were not to work in isolation as a sole dentist, could not work as a locum dentist, and that you were to be audited every six months. These conditions were in place from 2 February 2023 and meant that you could not carry out NHS work without compliance with them. The conditions required you to disclose them to your employers (as per Condition 11 of NHSE conditions). Witness B alleged that you had not disclosed these restrictions to her.

27. On 30 June 2023, Witness B emailed you after learning about the conditions and ended your employment, citing '*your lack of willingness and urgency to share your NHS conditions*' as part of the reason for ending your employment. You responded stating that you had informed Witness B that there were conditions on your practice, saying '*NHS? Easy to explain. I told you there were conditions. Yes I forgot to share the document. Can you blame me that I forget things all considered? I even discussed with [the practice manager] yesterday*.' You further provided extenuating personal circumstances explaining why he had not shared NHS documentation with Witness B. You accepted that you did not email a copy of the NHSE conditions to Practice 1.

28. This took place prior to learning that the references had been falsified.

<u>Charge 2)</u>

29. In October 2023, a GDC caseworker required your working arrangements and indemnity details in relation to a different case. You responded on 12 November 2023. The paperwork you returned made no mention of Practice 1, despite stating, *'Please provide all the practice name(s) and address(es) and dates of where you were working from 01 September 2021 to the present day'*. You provided a single address of a different dental practice, at which you stated you were now an associate, having sold the business.

30. Despite ongoing correspondence with the GDC regarding the concerns in this matter, it is alleged that you did not provide your full employment history, as requested. You deny deliberately omitting reference to Practice 1, and stated this was as a result of a misunderstanding.

<u>Charge 5</u>

31. It is alleged that your conduct in omitting Practice 1 from the form submitted to the GDC, and failing to inform Witness B of your NHSE conditions was misleading. It was also deliberately misleading, and therefore dishonest.

32. You accepted that providing false references, forging e-mails which purported to be from referees in order to secure employment, was misleading, dishonest and lacked integrity.

GDC evidence

33. The Committee had regard to a number of documents included within the GDC hearing bundle, referred to as Exhibit 1. This bundle included, but was not limited to, the written witness statements and supporting documents of;

- Witness statement of Witness A, dated 4 April 2025;
- Witness statement of Witness B, dated 7 May 2025
- Witness statement of Witness C, dated 31 March 2025;
- Witness statement of Witness D, dated 11 April 2026;
- Witness statement of Witness E, dated 23 April 2026; and,
- Witness statement of Jon Richards, dated 10 April 2025.

34. The Committee also heard oral evidence from the following GDC witnesses:

- Witness A;
- Witness B;
- Witness C; and,
- Witness D.

Application of no case to answer

35. At the close of the GDC's case, Mr Geering made an application pursuant to Rule 19(3) of no case to answer in respect of Charges 2) – 4), and Charge 5) in respect of Charges 2), 3), and 4).

36. The Committee heard and accepted the advice of the Legal Adviser who made reference to relevant case law, including, *R v Galbraith [1981] 1 WLR 1039* and the 'test' be applied in these circumstances. The test means that if there is no evidence to support the charge, or the evidence is so tenuous, weak or unsatisfactory that a reasonable panel properly directed could not, on the balance of probabilities find it proved, then the charge should be dismissed. The Legal Adviser went on to say that *"if the evidence is such that its strength or weakness depends on the view to be taken of the witnesses' reliability, or other matters that are generally speaking within the*

province of the jury, and where on one possible view of the facts there is evidence upon which a jury could properly come to the conclusion that the defendant is guilty, then the judge should allow the matter to be tried by the jury". He further referred the Committee to the cases of *R v David Husband and GDC* (2019) EWHC 2210 (Admin) and *R v MPC* 2025.

<u>Charge 2)</u>

37. Mr Geering submitted that Charge 2) is premised on there being a failure to provide employment history from 2021 *'…when required to do so',* and that the operative word is 'required'. He stated that for this allegation to succeed, the GDC must show there was an obligation on you to complete this form fully but that none has been advanced by the GDC, either in the opening submissions or from witness testimony.

38. In considering the basis for any 'requirement', Mr Geering referred the Committee to the Dentists Act at section 33B entitled, *'The council's power to require disclosure of information'*, which sets out the limits of the GDC's powers to compel information to be provided:

> *(1) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part, the Council may require a person ("the relevant party") whose fitness to practise as a dentist is in question, to provide details of any person—*
>
> > *(a) by whom the relevant party is employed to provide services in, or in relation to, any area of dentistry; or*
> > *(b) with whom he has an arrangement to provide such services.*

39. Mr Geering submitted that this means, in clear terms, that the information a registrant is compelled to provide is their <u>current</u> employment services where they <u>are</u> employed (the present tense). He stated that in the GDC's opening, you failed to declare your work at Practice 1, but submitted that the form was requested long after your termination at Practice 1. At the time the form was provided, Practice 1 was not your current employer and was not required to be disclosed by section 33B(1). Mr Geering submitted that the GDC had misunderstood what is required of you as a registrant and the charge must therefore fail.

40. In considering the GDC's argument, Mr Geering submitted that if the GDC says there is a duty for registrants to assist the regulator, there is a difficulty in that section 33B states:

> *(2) For the purpose of assisting the Council or any of their committees in carrying out functions under this Part in respect of a person's fitness to practise as a dentist, the Council may require any person (except the person in respect of whom the information or document is sought) to supply any information or produce any document in his custody or under his control which appears to the Council relevant to the discharge of those functions.*

41. Mr Geering submitted that, in other words, the GDC can ask for information from anyone *except* the registrant and that this is a specific protection in the legislation. He stated that the GDC itself, in the case of *General Dental Council v Savery and others* [2011] EWHC 3011 (Admin) conceded that was what section 33B meant: the registrant is not compelled to supply information to be used against him. Therefore, he submitted that the GDC cannot require you to provide anything except your current employment details.

42. Mr Geering stated that Parliament provided the same protection across a number of regulatory bodies, outlining a number of individual regulators and that it is a common feature of the regulator landscape that cannot be ignored by the GDC when it is convenient to do so. He stated that if it is said, ‘there is a duty to cooperate’, as set out in the relevant areas of the GDC document *‘Standards for the dental team (2013)’* (‘the Standards’), that is no answer. That cannot override the protection provided by statute. Mr Geering stated that Parliament has made clear what should be provided by a registrant – namely, current employment details. It has also set out what cannot be asked of a registrant, that encompasses other employment details

43. Mr Geering submitted that if it is the case that someone can avail themselves of this protection under section 33B, but still be found to have committed misconduct by using this protection, then the protection does not exist, and it would be *“utterly pointless”* as the protection has been destroyed. He stated this cannot be right and it plainly cannot have been Parliament’s intention.

44. If that was the case, Mr Geering submitted that it would mean a duty set out in the Standards, which is not even secondary legislation, and has had no legislative scrutiny at all, has overturned a piece of primary legislation. He stated that that proposition is constitutionally impossible to accept. **If** the Standards were to be read in this way, and there was a clash with the Act of Parliament, then the Standards are ultra vires (unlawful). Mr Geering told the Committee that the GDC and Legal Adviser will no doubt agree with the fundamental proposition that if secondary legislation clashes with primary legislation, it is primary legislation which takes precedence and that the same principle applies with renewed force to a document like the GDC Standards, which are not even secondary legislation.

45. Again, if a reliance on duty to cooperate to overrides the plain meaning of section 33B(2), Mr Geering observed that no caselaw appears to support this. Perhaps this is unsurprising since it would turn constitutional principles on their heads, an issue was considered obiter in *GDC v Savery*. The issue in *GDC v Savery* was whether the GDC could have compelled a dentist to produce certain patient records to be used as evidence against him. The court noted:

> *‘I found it odd that section 33B(2) creates a power for the GDC to obtain relevant information and documents from any person other than the dentist whose fitness to practise is in question (i.e. the very person who might be thought to have the best information and documents relating to the allegation which falls to be examined). In view of this restriction, it was fortuitous that [a third party]… had sufficient patient records in its possession*” [to support the allegation]’.

46. Mr Geering outlined that the court commented, *‘the reason for the exemption in section 33B(2) for the dentist under investigation was not obvious to me*.’ In other words, that the exemption was surprising, but it existed and hence it was fortunate the patient records could be supplied by a third party, and did not need the registrant to do so. He submitted that the court did <u>not</u> consider this protection was voided by any recourse to the duty to cooperate; that duty was in the 2011 relevant standard (1.5*: ‘Co-operate with any formal inquiry into the treatment of a patient’).* Mr Geering submitted that the GDC did not even attempt to raise that as a possibility even though the referral concerned the treatment of patients.

47. Mr Geering submitted that the Committee may also wish to consider the timing of the duty to cooperate with GDC, and duty of candour. He stated that they have both been in force for years: The GDC website on the duty of candour is dated 2019; section 33B was last amended December 2020, <u>after</u> the duty of candour came in. So, he submitted, if duty of candour in any way was intended to undermine section 33B, then Parliament would have incorporated this

amendment on 31 Dec 2020. However, it did not and kept the protection in place. He submitted that this protection must be respected.

48. Mr Geering observed that the same protection is in section 35A of the Medical Act for the General Medical Council, amended on 31 December 2020, and Article 25 of the Nursing and Midwifery Order, again amended on 31 December 2020. He submitted that there appears to be a common design by Parliament that this protection should exist across these regulators.

49. In summary, Mr Geering submitted that:

- the statute is clear;
- a registrant can only be required to give current employment; and,
- a registrant cannot be required to give anything else.

50. Mr Geering stated that you provided your current employment, thereby complying with what could properly and lawfully be asked of you by your regulator. Consequently, Mr Geering submitted that there is no evidence at all to support Charge 2).

51. Ms Shehadeh referred the Committee to the case of *R v Galbraith [1981] 1 WLR 1039* considering the no case to answer application and outlined the two limbs set out in the case. She also referred to the case of *R (Metropolitan Police Commissioner) v Police Misconduct Panel v PC Mark Neale* [2025] EWHC 1462 (Admin), in particular paragraph 18, which highlights the approach for limb two of the Galbraith 'test', which states:

> *18. A disciplinary panel – like the magistrates – must not fall into the "trap" of bringing forward the evaluative function which it would have at the end of all the evidence in the case. … that a panel cannot 'jump the gun' and undertake an exercise in preferred evidential evaluation – on the civil standard – on the evidence it has heard so far. A panel is not asking: "based on the evidence in the case so far, and applying the civil standard, would we find for the defence?" A panel must hold to the discipline of the "one possible view" of the … evidence, when that evidence is "taken at its highest", which "a" reasonable and properly directed panel could take. A panel may think it would not itself take that view, were it deciding the case now. When they decide cases, panels are not required to accept a "possible" view. They are not required to accept the … evidence at its "highest". But that is all to do with deciding the case at the end of the case, having heard all the evidence.'*

52. Ms Shehadeh stated that the core of the argument is essentially the existence of the duty or not to provide the information. She stated that the Committee has been asked to carefully consider the wording, namely that 'fail' denotes a duty or obligation which is alleged was breached. In this regard, she submitted that it is plain that the duty is to provide full and accurate information to the GDC, made clear in the dental professional's code of conduct at Standard 9.4:

> *Standard 9.4: You must co-operate with any relevant formal or informal inquiry and give full and truthful information*
>
> *9.4.1 If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter. You should also seek advice from your indemnity provider or professional association.*

53. Whilst Ms Shehadeh accepted that the GDC cannot compel or force a registrant to provide information requested, you provided – with a signature – information attesting to be the full details of your employment history. She emphasised the wording of the form, for you to *'Please provide all the practice name(s), address(es) and dates of where you were working from 01 September 2021 to the present day'*. She stated that whether the Committee accepts or rejects Mr Geering's no case to answer application may depend on whether you were required legally by statute or in a broader context of being asked for information in a form that you have then returned. To assist the Committee, she referred to the cover letter for the form, dated 10 October 2023, in which it is clear that the GDC asks for information in relation to a fitness to practise investigation and that it plainly asks for ALL practice names, addresses and dates of where you were working from 1 September 2021 to the date of the letter. Ms Shehadeh submitted that plainly that is not what you had done, having only provided one place of work and omitting any evidence about working at Practice 1 or anywhere else for the correct period. Further, she submitted that you signed a declaration with an electronic signature that the information provided purported to be complete and full details of your employment history, as required by the form.

54. Ms Shehadeh accepted that primary legislation is of greater authority than the Standards. She also agreed that the GDC cannot compel or force you to provide information, or to return the form at all, but that having done so, the information you provide was not full as required by the form and that there is ample evidence underpinning Charge 2) and that there is evidence of a duty and a breach of that duty. As a result, Ms Shehadeh submitted that neither limb of the Galbraith 'test' is satisfied in this regard.

55. In relation to Charge 5), Ms Shehadeh submitted that if Charge 2) survives, Charge 5) as it applies to Charge 2) will remain in play, as the information that was provided purporting to be in line with the declaration was wrong and incorrect, therefore misleading. As a result, she submitted that there is ample material to satisfy a finding of misleading and dishonest conduct that was lacking in integrity.

<u>Charge 3)</u>

56. Mr Geering submitted that it is alleged that you failed to notify Practice 1 of your conditional inclusion on the NHS Dental Performers List (DPL). However, he submitted that the allegation did not state that you were required to notify Witness B of your conditional inclusion. Further, he stated that Charge 3) does not allege that you failed to inform Practice 1 of all your conditions, or failed to provide it with a copy of conditions, simply that you failed to notify Practice 1 that your inclusion on the list was conditional. On this point, Mr Geering submitted that there is no evidence to support the allegation and that there is no need to consider <u>some</u> evidence as there is <u>no</u> evidence to support Charge 3). He invited the Committee to consider the concessions made by Witness B to the GDC when she gave evidence in chief and that was reiterated and repeated in cross-examination.

57. Mr Geering stated that Witness B confirmed in her oral evidence that she was aware of your conditional inclusion on the DPL along with the fact that you had mentioned this to the practice manager. He stated that there is no evidence to demonstrate that this was not discussed and that there is contemporaneous evidence from you indicating that you had informed the practice manager of the NHSE conditions. He asked the Committee to consider that there is no communication from Practice 1 to NHSE to state that you did not disclose the conditional inclusion. Mr Geering referred the Committee to the referral made by Witness B to the GDC in July 2023 complaining of your note taking, your clinical care, your communications with the nursing team and accusations that you had stolen stock from Practice 1; there was no reference that you did not disclose your conditional inclusion on the DPL. Overall, Mr Geering submitted

that the evidential picture is overwhelming and in any event, there is a clear statement from the GDC witness, Witness B, saying that she was aware of your conditional inclusion.

58. In this regard, Mr Geering submitted that the charge does not allege that you did not provide all the conditions but that it was clearly put on the basis that Witness B was not aware of the conditions for NHSE and that, notwithstanding the repeated drafts of her statement, she now accepts that she was aware. Therefore, Mr Geering submitted that Charge 3) must then fall away.

59. Ms Shehadeh invited the Committee to consider that condition 11 of the NHSE conditional inclusion demonstrated a requirement to notify Witness B of your inclusion on the DPL. She submitted that it was clear from the evidence before the Committee that you did not inform Witness B at interview and that this was supported by Witness B in her oral evidence and in her email correspondence. In light of this, Ms Shehadeh invited the Committee to consider that this could be considered alongside limb 2 of the Galbraith test and it is for the Committee to consider the reliability of Witness B's evidence at the factual stage. She submitted that Witness B's memory was not clear and that she accepted she could not remember everything, as was the case for Witness D, either in the emails that were sent or in the conversations that took place in 2023.

60. Ms Shehadeh submitted that there is evidence of what actions were taken by Witness B at the material time, including her telephone conversation with Witness D and her decision to terminate your employment. In this regard, she submitted that there is a body of evidence to be considered and evaluated as to what Witness B knew from what had been disclosed to her. She stated that under cross-examination, Witness B had conceded that an audit must have connoted the existence of conditions and must have meant conditional inclusion, but Ms Shehadeh submitted that whether that amounted to acceptance of her knowledge of conditional inclusion on the DPL is a conclusion for the end of the facts stage. Further, she submitted that Witness D's evidence that you were required to provide the details of the conditions to your employer were not met by stating that audits were required.

<u>Charge 4)</u>

61. Both Mr Geering and Ms Shehadeh accepted that should the Committee determine that there is no case to answer in respect of Charge 3), Charge 4) must fall away as this charge is parasitic upon the former.

<u>Charge 5</u>

62. Again, Mr Geering and Ms Shehadeh accepted that the decision to pursue this allegation stands on the Committee's decision regarding the charges to which it relates.

Decision and reasons on the application of no case to answer

63. The Committee carefully considered the submissions of Mr Geering and Ms Shehadeh and accepted the advice of the Legal Adviser.

<u>Charge 2)</u>

64. The Committee took into account that the wording of the allegation is that you <u>failed</u> to provide your full employment history details when you were <u>required</u> to do so. The Committee noted that there were two particular areas where the requirement could be specified; the GDC document *'Standards for the dental team (2013)'* and/or the Dentists Act 1984. The Committee's understanding of regulatory requirements are that a registrant must do as the law, or their professional regulator dictates by virtue of its professional standards. Unless they directly conflict, then you have to do both.

65. In considering the Standards, the Committee had careful regard to Standard 9.4 which states that registrants *‘must co-operate with any relevant formal or informal inquiry and give full and truthful information’.* The form, provided to you along with the letter from the GDC dated 10 October 2023, stated, *‘Please provide all the practice name(s), address(es) and dates of where you were working from 01 September 2021 to the present day.’*. However, you only provided the employment details for one employer, and not all employers between the stated dates. You signed the form electronically before returning it to the GDC, declaring that the material you had provided was complete to the best of your knowledge and belief. The Committee was satisfied that the form was clear that you were to provide ALL employment details for the relevant dates and that there is a regulatory requirement, as Standard 9.4, to provide this. By not having done so, this had amounted to a failure to furnish the GDC with the information requested and indicated a failure to comply with the regulatory responsibilities.

66. However, the Committee noted that pursuant to section 33B, there is no legal requirement for registrants to provide anything other than their current employment details or to provide information of persons with whom an arrangement has been made for registrants to provide dental services. Therefore, this legal requirement for current employment or working arrangement information overrides the regulatory requirement for all employment details between a particular date range to be provided.

67. When looking at the wording of Charge 2), the Committee took into account that a failure implies a duty, and it was satisfied that whilst there is a regulatory requirement, the law must trump the GDC’s Standards; to do otherwise would make the law nonsensical. The Standards made out by Ms Shehadeh in her submissions have not been through statute and are there to maintain appropriate professional standards, conduct and behaviour. In line with section 33B(1)(a) and (b), there is no legal requirement for you to furnish the GDC with any information other than your current employment details, or details with anyone whom you had an arrangement with to provide dental services, at the time your completed the form.

68. In this regard, the Committee considered whether you had provided full and truthful information relating to your employment, or working arrangements, at the time the form was completed. It bore in mind that you were no longer working at Practice 1 at the time the form was sent to you, dated 10 October 2023, your employment having been terminated in June 2023. Therefore, in line with section 33B, you were not required to include this information on the form.

69. The Committee considered the evidence of Witness D who stated that you had informed her that you were starting work for another dental practice in October 2023. This was not brought out by Ms Shehadeh or Mr Geering in their cross examination of the witnesses and there is no further reference to any work undertaken by you around October 2023 when you received the form. Therefore, the Committee deemed this information to be inconclusive and cannot be relied upon in its considerations.

70. In its considerations, the Committee also noted that the poor wording of Charge 2) had restricted its deliberations to the legal meaning of the words ‘failure’ and ‘required’. Although the Committee determined that as part of a regulated profession, you had a professional obligation to assist the investigation by providing details of previous employment as requested, it concluded this did not outweigh the legislation under section 33B. The Committee noted that no application was made to amend the wording of Charge 2).

71. The Committee accepted that the legislation under section 33B(1)(a) and (b) does not give the duty or requirement to give anything other than your current employer or a current arrangement,

clearly using the present tense rather than past tense. Further, section 33B(2) exempts registrants from being asked to provide information or document when they are under investigation.

72. Having carefully considered all the information provided to it, the Committee determined that due to the wording of the charge, the Committee accepted the application of Mr Geering and determined that there is no case to answer in respect of Charge 2).

Charge 3)

73. The Committee took into account that this charge denotes that you failed to notify Practice 1 of your conditional inclusion on the DPL. It noted that due to the wording of the charge, there was no specificity that indicated that the conditions themselves must be disclosed to any prospective employer, or to any particular person, but only to notify Practice 1.

74. The Committee examined the GDC evidence that had been presented to it and noted that although there were some conflicts in the evidence, it considered that limb 2(b) of the Galbraith 'test' had been met. Therefore, the evidence should rightly be tested and considered at the finding of facts stage of the hearing.

75. Accordingly, the Committee refused the application of Mr Geering and determined that there is a case to answer in respect of Charge 3).

Charge 4)

76. Having determined that there is some evidence upon which Charge 3) could be found proved, the Committee concluded that Charge 4) must remain and be considered by the Committee at the finding of facts stage.

Charge 5)

77. In line with its decision in relation to Charges 3) and 4), the Committee concluded that Charge 5) (as it relates to those charges) will be considered by the Committee.

78. However, due to it having found no case to answer in relation to Charge 2), the Committee concluded that Charge 5), as it relates to Charge 2), falls away.

Registrant evidence

79. The Committee was also provided with the following documents on your behalf, contained within Exhibit 1:

- Your written witness statement, dated 29 September 2025; and,
- Testimonials provided on your behalf.

80. The Committee also heard oral evidence from you under affirmation.

Submissions

81. Ms Shehadeh, on behalf of the GDC, submitted that the failure in relation to Charges 3), 4) and 5), as it related to Charges 3) and 4), derives from the existence of the NHSE conditions, namely condition 11. That is, the necessity to notify employers of your conditional inclusion on the DPL. She submitted that it is more likely than not that you did not inform Practice 1, breaching the NHS

conditions. By failing to do so, Ms Shehadeh submitted that your conduct was misleading, dishonest, and lacking in integrity.

82. Mr Geering, on your behalf, submitted that he considered were five inherent probabilities in what was alleged by the GDC regarding Charges 3), 4) and 5). Having referred the Committee to the relevant documentation and evidence to support his submissions, he invited the Committee to find those charges not proved.

Decision and reasons on the findings of facts

83. The Committee considered all the evidence presented to it and took account of the closing submissions made by Ms Shehadeh, on behalf of the GDC, and by Mr Geering, on your behalf. The Committee accepted the advice of the Legal Adviser. It considered each head of charge separately, bearing 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 facts are proved on the balance of probabilities. The Legal Adviser referred the Committee to relevant case law to assist in its decision-making, including *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67.

<u>Charge 1)</u>

1) You provided falsified references to [Practice 1] from:

(a) Person A and/or
(b) Person B.

84. The Committee noted your clear and unequivocal admission to Charge 1) at the outset of the hearing.

85. Accordingly, the Committee found **Charge 1) proved** in its entirety by way of your admission.

<u>Charge 2)</u>

2) You failed to provide full details of your employment history to the General Dental Council in the working arrangements form when required to do so.

86. In accepting the application made by Mr Geering on your behalf, the Committee determined that there is **no case to answer in respect of Charge 2).**

<u>Charge 3)</u>

3) You failed to notify [Practice 1] of your conditional inclusion on the NHS Performer's List;

87. The Committee took into account that it was a requirement that you inform any employer, or prospective employer, within one week that you were subject to conditional inclusion on the NHSE DPL. You accepted that this was a requirement of your inclusion on the DPL but deny that you did not inform Practice 1. Having carefully considered the wording of the charge, the Committee was satisfied that there was no requirement for you to notify any one specific person about the conditions, only that the practice itself was aware. It also does not state that there is any

requirement for a paper copy of the conditions be provided, simply that you had to notify Practice 1 of your conditional inclusion on the DPL.

88. You accepted that you did not provide Practice 1 with a written copy of the conditions and that you had not done so due to the onset of a difficult personal situation that had arisen. You stated that you were of the belief that in any event, the conditions were publicly available and could be found on the NHSE website. However, you refuted the suggestion that you had failed to notify Practice 1 in order to minimise or hide the fact that you were subject to conditional inclusion.

89. In her written witness statement, Witness B stated:

> *'In June 2023, I added the Registrant's details to the NHS contract as a performer. Within 24 hours of doing so, around 29 June 2023, NHS England called me and informed me that the Registrant had restrictions on his practice… The Registrant had not disclosed these restrictions to me.'*

90. However, when cross examined, Witness B was asked whether you had informed her of your conditional inclusion on the DPL and she responded that maybe you had told her about the auditing requirement during the interview. She stated that this was a simple error and that she had only noticed her mistake when it was flagged to her in the hearing. When questioned during the course of the hearing, Witness B confirmed that she knew your registration was conditional.

91. The Committee also took into account that when Witness B made her referral to the GDC, she cited a number of concerns regarding your practice, including note taking, clinical treatment, communication with nursing staff, and potential theft. But despite the importance of the requirement to comply with conditional registration, she had not made any reference to the fact that you had not informed her of the NHSE conditions. Witness B accepted in her oral evidence that any failure to comply with NHSE conditions was as serious as the concerns that she had highlighted in her referral, despite her not having included it.

92. You were asked during the course of your oral evidence whether you had told Witness B during the course of the interview about your conditional inclusion on the DPL. You stated that you did not recall mentioning them specifically, but that you had raised the requirement for auditing. On a number of occasions, you stated that you had informed Person F that you were subject to conditions, as indicated in your email dated 30 June 2023, in which you stated that you had discussed the conditions with Person F (the practice manager) the previous day. In your written statement, you said:

> *'I had spoken with my Practice Manager, […], about my NHS conditions (most likely in May 2023). I kept her in the loop regarding my Performer Number…'*

93. Witness B did not dispute in her oral evidence that you had informed Person F of the conditions. Further, the GDC has not obtained a witness statement from Person F to verify whether you had discussed the conditions with her or not. The Committee considered this to be a substantial gap in the GDC's evidence to support its allegation.

94. The Committee also heard from Witness D who confirmed that it was her role to ensure performers' compliance with any conditions imposed by NHSE. You confirmed that you were aware that it was a part of Witness D's role. Witness D stated that she was aware that you had been offered employment at Practice 1. Witness D confirmed that the NHSE conditions only take effect when a practitioner is performing an NHS role. Witness D also told the Committee that Witness B had informed her that your role at Practice 1 would be private practice only and would

not include NHS treatment. In email correspondence between Witness B and Witness D, there was no reference to you not having notified Practice 1 of the conditions.

95. In considering all the evidence before it, the Committee identified a numbers of inconsistencies in the evidence of the witnesses. The Committee also thought it improbable that you would seek to deceive Practice 1 by not telling it of your conditions. Such deception would have only worked if: Witness B had not checked the DPL website as would be part of the standard recruitment process; Witness D had not fulfilled her role to ensure that your conditions were being complied with after you had mentioned you were working at Practice 1; and Person F had not mentioned your conditions to Witness B.

96. Therefore, due to the number of inconsistencies in the evidence, the Committee found that the GDC has not discharged the burden of proof and accordingly found **Charge 3) NOT proved.**

Charge 4)

> *4) Your actions in respect of charge 3) breached the conditions imposed by NHSE as part of your inclusion on the NHS Performer's List;*

97. The Committee noted that as Charge 3) has been found not proved, Charge 4) falls away

98. Accordingly, the Committee found **Charge 4) NOT proved.**

Charge 5)

> *5) Your actions in respect of charges 1) … and/or 3) … above were:*
>
> *(a) misleading;*
> *(b) dishonest;*
> *(c) lacking integrity.*

99. The Committee noted your clear and unequivocal admission at the outset of the hearing in relation to Charge 1) and to Charge 5) as it relates to Charge 1). As Charge 5) encompassed other charges, the Committee had reserved its judgement for this stage of proceedings. However, now that other charges have fallen away the Committee accepted your admission for Charge 5) as it relates to Charge 1). Mr Geering also addressed the Committee in this regard. You confirmed in open session that you knew that when you wrote those references from Witness A and Witness C, you knew they were false and objectively dishonest.

100. Accordingly, the Committee found **Charge 5), in respect of Charge 1), proved** by way of your admission.

101. Having found there is **no case to answer in respect of Charge 2),** the Committee did not make any findings in relation to Charge 5), as it relates to Charge 2).

102. Having found Charge 3) not proved, and as Charge 4), the Committee did not make any findings in relation to Charge 5) as it relates to Charge 3).

Stage 2 (Fitness to practise and sanction)

103. Having announced its decision on the facts, the Committee then moved on to consider whether the facts found proved amount to misconduct and, if so, whether your practice is currently impaired. The Committee heard submissions from Ms Shehadeh, on behalf of the GDC and Mr Geering's submissions, on your behalf, in relation to the matters of misconduct, impairment and sanction. The Committee accepted the advice of the Legal Adviser which included reference to relevant case law to assist the Committee with its decision making.

Evidence

104. The Committee also had regard to a further document, referred to as Exhibit 6. This bundle included a number of documents, including:

- Your written reflections, dated September 2026;
- Continuing Professional Development (CPD) certification; and,
- A letter from your Portuguese lawyer, dated 24 September 2025.

105. The Committee also received, whilst in-camera, a further document (Exhibit 7) authorised by both Ms Shehadeh and Mr Geering which informed the Committee that you are subject to an interim suspension order originally made on 16 December 2024. This document reminded the Committee that this could be a relevant factor in relation to proportionality when considering possible sanction.

Submissions

106. Ms Shehadeh invited the Committee to find that as a result of you having provided two falsified references to Practice 1, which you admitted was misleading, dishonest and lacking in integrity, your actions amount to serious professional misconduct. She submitted that your fitness to practise is currently impaired on the ground of public interest and that due to the nature and seriousness of the misconduct in this case, the only appropriate and proportionate sanction is erasure. Ms Shehadeh confirmed that you have no previous adverse fitness to practise history.

107. Mr Geering informed the Committee that you accept that your actions amounted to serious misconduct and that your fitness to practise remains impaired. He confirmed that you accepted that a significant sanction would be appropriate and Mr Geering invited the Committee to impose a suspension order for the maximum period of 12 months, with a review.

Decision and reasons on misconduct

108. In considering whether the facts found proved amount to misconduct, the Committee considered the definition of misconduct which was described in the case of *Roylance v General Medical Council* [2000] 1 AC 311, as being a *'word of general effect involving some act or omission which falls short of what would be proper in the circumstances'.* It also had regard to the Standards and was satisfied that the following principles are relevant in this case:

<u>*Standard 1.3:*</u> *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.*

<u>*Principle 9*</u> *Make sure your personal behaviour maintains patients' confidence in you and the dental profession*

109. The Committee noted that is a fundamental requirement under the Standards that registrants are honest. Honesty is of key importance in protecting the public and promoting and maintaining public confidence in the professions. It also noted that it is a fundamental requirement under the GDC's Standards that registrants act with integrity.

110. That Committee agreed that it would seriously undermine public confidence in the profession to know that a dentist had behaved in a way that is inherently dishonest.

111. Your conduct in this case included the creation of two false email addresses, writing two separate false references, attaching those references to the false email addresses, and sending each one to Witness B.

112. The Committee considered that such actions would be considered deplorable by fellow practitioners.

113. The Committee is satisfied that the facts found proved are sufficiently serious and amount to serious professional misconduct.

Decision and reasons on impairment

114. The Committee considered that the only statutory ground for impairment put forward by Ms Shehadeh, and accepted by Mr Geering, is that of public interest, which includes the need to uphold and declare proper standards of conduct and behaviour to maintain public confidence in the profession and this regulatory process.

115. Having assessed the evidence before it, the Committee was satisfied that there is no evidence to support a finding of impairment on the ground of public protection.

116. In its assessment of whether your fitness to practise is currently impaired, the Committee considered whether such misconduct was likely to be repeated in the future and was assisted by the 'test' outlined by Silber J in *Cohen v General Medical Council* [2008] EWHC 581: *'It must be highly relevant in determining if a [registrant's] fitness to practise is impaired that first, his or her conduct which led to the charge is easily remediable, second that it has been remedied and third that it is highly unlikely to be repeated.'*

117. The Committee bore in mind that dishonesty, by its very nature, is difficult to remediate. The Committee noted the mitigation put forward by Mr Geering relating to your very difficult personal circumstances during the time the misconduct occurred. However, whilst you have alluded to the fact that your personal circumstances may have impacted on your decision-making, you stated that you could not remember your dishonest acts and you have not provided any reason to the Committee to explain why you acted dishonestly. The Committee considered the dishonesty in this case to be premeditated and that it was not a "spur of the moment" decision, including several separate acts of dishonesty over a period of time. As a result, the Committee considered the specific dishonesty in this case to be difficult to remediate.

118. In determining whether it has been remedied, the Committee had regard to your written reflections, which included your coping strategies when dealing with stressful situations, but the Committee was not satisfied that the strategies you detailed were sufficient to mitigate against the risk of repetition. Further, it noted your profound apologies to your fellow practitioners and to the public, demonstrating your understanding of the damage your conduct would cause to the reputation of the profession. The Committee took into account your admissions and that you have taken responsibility for your actions. However, in the absence of any explanation as to why you behaved as you did, or acknowledgement of your capability to deceive, the Committee determined that whilst the risk of repetition of the specific conduct in this case is low, there is a likelihood that you would behave dishonestly in the future.

119. The Committee noted that there is no statutory definition of impairment, but the test of impairment is a current test and is detailed in the GDC's document, *'Fitness to Practise: Guidance for the practice committees (January 2026)'* ('the FtP Guidance'), as follows:

> *a) …*
> *b) Whether the registrant in the past brought, and/or is liable in the future to bring, the dental professions into disrepute.*
> *c) Whether the registrant in the past breached, and/or is liable to breach, one of the fundamental tenets of the professions, with reference to the principles of practice in the Standards.*
> *d) Whether the registrant, in the past acted dishonestly, and/or is liable to act dishonestly in the future.*

120. The Committee concluded that an informed member of the public, aware of the particular circumstances of this case, would be horrified to find that a member of the dental profession had behaved in such a dishonest manner. Having breached a number of the fundamental tenets of the profession, and identified which Standards have been breached as a result of your conduct, the Committee concluded that your misconduct would no doubt bring the profession into disrepute

121. The Committee identified that despite your apologies and acknowledgement of your behaviour, you have not provided any explanations as to why you chose to create the false email addresses, false references, or to respond to Witness B from the false email addresses. The Committee had concerns that without such an explanation, your tendency to act dishonestly is deep-seated and it was therefore unable to determine that the risk it would happen again has been mitigated by the evidence before it. Therefore, Committee is of the view that there is a risk of repetition.

122. The overarching objective of the Committee is to maintain public confidence in the profession and upholding standards, and it therefore concluded that public confidence would be undermined if a finding of impairment were not made in this case.

123. Accordingly, the Committee finds your fitness to practise impaired on the ground of public interest.

Decision and reasons on sanction

124. In coming to its decision on sanction, the Committee considered what action, if any, to take in relation to your registration. It took into account the GDC's document *'Fitness to Practise: Guidance for the practice committees (January 2026)'* ('the FtP Guidance'). The Committee reminded itself that any sanction imposed must be proportionate and appropriate and, although not intended to be punitive, may have that effect.

125. The Committee took into account the following mitigating features:

- Previous good character;
- Evidence of remorse and an apology;
- Evidence of some of insight;
- Some remedial action taken; and,
- The particular personal circumstances you faced at the relevant time.

126. The Committee also took into account the following aggravating features:

- Premeditated dishonesty;
- Conduct with a view to personal financial gain;
- Abuse of trust/abuse of professional position; and,
- Dishonesty sustained or repeated over a period of time.

127. The Committee had regard to its previous findings on misconduct and impairment in coming to its decision and considered each sanction in ascending order of severity.

128. The Committee first considered whether to take no further action or to issue a reprimand but concluded that this would be inappropriate in view of the seriousness of the conduct in this case. The Committee did not consider your misconduct to be at the lower end of the spectrum and therefore it would be neither proportionate nor in the public interest to allow you to return to practise without some form of restriction in place.

129. The Committee was also of the view that there are no practical or workable conditions that could be formulated given the nature of the misconduct identified. In addition, it did not consider that conditions would adequately address the public interest in this case.

130. The Committee then went on to consider whether a suspension would be the appropriate sanction. The FtP Guidance states that a suspension may be suitable where most of the following factors are present:

- *There is evidence of repetition of the behaviour;*
- *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;*
- *A lesser sanction would be insufficient to meet the public interest; and,*
- *There is no evidence of harmful deep-seated personality or professional attitudinal problems (which might make erasure the appropriate order).*

131. Due to the severity of the misconduct in this case, and the concerns it has already raised relating to whether the dishonesty in this matter is evidence of deep-seated personality problem, the Committee also considered erasure. The FtP Guidance states removal from the register may be suitable where most of the following factors are present:

- *The findings include serious departure(s) from the relevant professional standards;*
- *Where the findings include the abuse of a position of trust or violation of the rights of patients, colleagues, or other persons...;*
- *Where the findings include serious dishonesty, particularly where persistent…; and,*
- *A lesser sanction would be insufficient to meet the public interest.*

132. Although the Committee considered your written reflections to be detailed and addressed a number of the concerns in this case, your misconduct was a significant and repeated departure

from the standards expected of a dentist. The Committee noted the serious breaches of fundamental tenets set out in the Standards and the absence of any explanation or acknowledgement of why you chose to create the false email addresses and references, the Committee has considerable concerns about the risk of similar conduct occurring in the future.

133. The Committee took into account that you have been subject to an interim suspension order for some 22 months and considered whether this, along with any further suspension, would be sufficient to address the considerable public interest in this case. However, due to the seriousness of the departure from the relevant standards, the Committee determine that nothing short of erasure would be sufficient to uphold and declare proper standards of conduct and behaviour to maintain public confidence in the profession and this regulatory process.

134. Balancing all these factors, the Committee was of the view that allowing you to remain on the register would seriously undermine public confidence in the profession. Erasure is the only sanction that would appropriately address the misconduct in this case and send the public and the profession a clear message about the standards expected of a dentist.

135. Accordingly, the Committee directs that your name on the Register be erased.

136. The Committee now invites submissions as to whether a suspension order should take immediate effect to cover the 28-day appeal period.

Stage 3 (Immediate order)

137. The erasure does not come into effect until the end of the appeal period or, if an appeal is lodged, until it has been disposed of. The appeal period expires 28 days after the date on which the notification of the determination is served on you.

138. In this regard, Ms Shehadeh made an application for an immediate suspension to be imposed on your registration given the seriousness and nature of the conduct. She submitted that public confidence would be undermined if an immediate order were not imposed.

139. Mr Geering made no submissions in relation to the necessity of an immediate order.

140. The Committee heard and accepted the advice of the Legal Adviser.

141. Having been made aware that you are currently subject to an interim suspension order, the Committee was satisfied that given its substantive decision it was appropriate to revoke the existing interim order imposed upon your registration with immediate effect.

142. In relation to the immediate order, the Committee has determined that, given the substantial departure from the appropriate standards and the risks that it has identified, it would be illogical and inconsistent to permit you to practise before the substantive direction of erasure takes effect and therefore an immediate order is necessary to maintain public confidence in the profession.

143. In all the circumstances, the Committee considers that an immediate order of suspension is consistent with the findings that it has set out in its main determination and is necessary to address the public interest concerns identified.

144. The immediate suspension will remain in place until any appeal is disposed of or, if no appeal is lodged, the erasure will replace the immediate order 28 days after you are sent the decision of the Committee in writing.

145. That concludes this determination.