

## PUBLIC HEARING

### Professional Conduct Committee Review Hearing

9 July 2024

**Name:** CONAGHAN, Amy Katy

**Registration number:** 275366

**Case number:** CAS-193950-P1B5S3

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**General Dental Council:** Not Present  
Amy Jones of IHLPS

**Registrant:** Not Present  
Unrepresented

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

**Outcome:** Suspended indefinitely

**Duration:** n/a

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**Committee members:** Jill Crawford (Lay) (Chair)  
Angela Wragg (DCP)  
Anjali Patel (Dentist)

**Legal adviser:** David Mason

**Committee Secretary:** Paul Carson

1. This is a resumed hearing pursuant to section 36Q of the Dentists Act 1984. The hearing was conducted remotely using Microsoft Teams.
2. On 19 January 2022, the Professional Conduct Committee (PCC) found Miss Conaghan's fitness to practise to be impaired by reason of her two convictions, stating to her in its determination:

*"The Committee took into account that you have two convictions for the serious matters of possession and production of class A and class B drugs. It acknowledged that you have paid the fine ordered by the Magistrates' Court and, although your role in the incident was limited, a member of the public would be "shocked and dismayed" if you were allowed to practise without restriction.*

*You have yourself acknowledged that public confidence in the dental profession would be undermined by such behaviour, regardless of the level of involvement. However, the Committee accepted that the conduct occurred outside of your professional role and patients were not harmed as a result of your behaviour. In this regard, the Committee determined that the risk to patients and other members of the public was minimal. In addition, the Committee was satisfied that you have learned a salutary lesson and considered the risk of repetition to be low.*

*As a dental professional for a number of years, you would have been aware of 'Standards of the dental team' (the Standards'), in particular Standard 9.1, which states:*

*9.1 Ensure 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.*

*The Committee was satisfied that your previous lifestyle choices, and subsequent criminal convictions, fell far below this standard.*

*In considering the public interest, the Committee accepted that to make a finding on the grounds of public interest alone is a high bar. However, in the circumstances of this case, the Committee was satisfied that this threshold had been reached and that your fitness to practise is impaired by reason of your convictions."*

3. The January 2022 initial PCC directed that Miss Conaghan's registration be suspended for a period of six months with a review, stating in its determination:

*"...the Committee determined that a suspension would mark your conduct as unacceptable and it was the least restrictive sanction to meet the public interest in this case. The Committee did go on to consider erasure but, taking into account all the information before it, and the mitigation provided, it would be disproportionate as you have not demonstrated a fundamental incompatibility with remaining on the register. Whilst the Committee acknowledges that a suspension may have a punitive effect, it would be unduly punitive to direct erasure at this time.*

*Balancing all these factors, and aware that you have already been subject to an interim suspension order for 21 months, the Committee directs your registration be suspended for a period of six months. This is necessary in order to maintain and uphold public confidence in the profession, whilst sending the public and the profession a clear message about the standards required of a dental professional.”*

4. In directing that the suspension be reviewed, the January 2022 initial PCC stated:

*“The reviewing Committee may be assisted to receive:*

- Reflective piece assessing your progress and steps you have taken to avoid repetition;*
- Evidence of CPD focusing on maintaining standards of professional behaviour in the dental team; and*
- By your continued attendance and participation in these proceedings.”*

5. The review hearing was held on 4 August 2022 when the PCC found that Miss Conaghan’s fitness to practise continued to be impaired by reason of misconduct. She was neither present nor represented at that hearing. She had last engaged in the proceedings in January 2022.

6. In its determination, the August 2022 reviewing PCC stated:

*“The Committee has determined that Miss Conaghan’s fitness to practise remains impaired. The Committee considers that a finding of current impairment is again needed to maintain public trust and confidence in the profession and declare and uphold proper professional standards of conduct and behaviour. The Committee considers that a reasonable and informed observer would be concerned to note the index Committee’s findings, and would consider that a finding of impaired fitness to practise is again required given the lack of information from Miss Conaghan to suggest that she has reflected upon, has insight into, and has remedied, the reasons for her impaired fitness to practise.”*

7. The August 2022 reviewing PCC directed that the suspension of Miss Conaghan’s registration be extended by a further period of 12 months with a review, stating of the review hearing: *“Although the Committee in no way wishes to bind or fetter the next Committee which will review this extended period of suspension, it considers that it would be assisted by sight of the following from Miss Conaghan:*

- A reflective piece assessing her progress and steps taken to avoid a repetition.*
- Evidence of continuing professional development (CPD) focussing on maintaining standards of professional behaviour in the dental team.*
- Her attendance and participation in these proceedings.”*

8. The PCC next reviewed the case on 4 August 2023 when the PCC found that Miss Conaghan’s fitness to practise continued to be impaired by reason of misconduct. She was neither present nor represented at that hearing and there continued to be no engagement from her. The August 2023 PCC stated in its determination:

*“...in the absence of any engagement from her, Miss Conaghan continues to show no insight or remediation in respect of her convictions and the impact these have on the reputation of the profession. Her fitness to practise in respect of convictions of this nature will not cease to be impaired through the passage of time alone: she must actively engage in these proceedings and demonstrate to a reviewing committee sufficient insight and remediation. There has been no material change in circumstances since the case reviewed by the PCC 12 months ago. The Committee determined that Miss Conaghan’s fitness to practise as a dental nurse continues to be impaired by reason of her convictions.”*

9. The August 2023 PCC directed that the suspension of Miss Conaghan’s registration be extended by a further period of 12 months with a review, stating:

*“The Committee reminds Miss Conaghan of the importance of engaging in the proceedings and of attending the next review hearing. If she continues to demonstrate no evidence of insight or remediation there is a risk that the reviewing committee might give a direction for indefinite suspension if it considers that to be the appropriate outcome.”*

*The resumed hearing 9 July 2024*

10. It is the role of the Committee today to undertake the review directed by the August 2023 PCC. Miss Conaghan was neither present nor represented at the hearing today. There continues to be no engagement from her in the proceedings save for a telephone discussion between her and an employee of the General Dental Council (GDC) on 11 June 2024. A telephone attendance note prepared by the GDC records the following discussion:

*“Introduced myself and asked her if she would be attending her resumed hearing scheduled for July.*

*AC said that she wouldn’t be attending and wouldn’t be going back to work in dental care. She said that she doesn’t have the time to be involved and is not interested in working in dentistry again.*

*AC said that she has had three hearings and they just suspend her each time. I explained that this was because there had been no engagement or changes between the hearings with regards to the committee’s suggestions.*

*AC said that after the initial suspension her practice kept me on as a receptionist. But then she left and did something else. She has since realised that a lot of the issues in her life have been to do with work and that it wasn’t a very nice environment to work in.*

*AC said that she hasn’t kept up with her CPD. She is now working from home for [...]. AC said that she wouldn’t be interested in attending the hearing. I asked if I*

*could do anything to assist or support her to attend the hearing – which she thanked me for but said there wasn't.*

*Advised AC that the hearing would still go ahead – and to contact me if she would like to attend at any point or has any queries. AC confirmed that she is happy for the hearing to go ahead on the papers without attendance.*

*Asked AC if she had thought about applying for Voluntary Removal (VR). She said no. I advised that I would send her a letter and guidance about it. Explained that it requires a letter explaining why she would like to be removed from the register, a form signed by a solicitor and that it would be considered by the Registrar. I couldn't guarantee the outcome, but that was an option open to her.*

*I also reiterated that as she has been suspended for over 2 years now, the Committee have the power to suspend indefinitely.*

*Thanks and call terminated.”*

11. In its written submissions, the GDC asks that the hearing proceed in the absence of the parties and that the case be reviewed on the papers. Its position is that Miss Conaghan's fitness to practise continues to be impaired and that a direction for indefinite suspension should now be made in respect of her registration, stating: *“...there is no evidence to show any material change in position since the last hearing. There has been no meaningful engagement with the Council and no evidence of remediation, insight or reflection has been provided thus far. The Registrant has indicated that she has not kept up to date with her CPD requirements and does not intend engage with proceedings or the hearing...”*
12. The Committee accepted the advice of the Legal Adviser on the requirements of service and proceeding in absence.
13. The notification of hearing was sent to Miss Conaghan at her registered address on 28 May 2024 by Special Delivery and first-class post. Royal Mail tracking information records that the Special Delivery item was delivered on 31 May 2024, signed for under the name “CONAGHAN”. The Committee was satisfied that the notification of hearing contained the required information under Rule 28 of the General Dental Council (Fitness to Practise) Rules 2006, including the time, date and (remote) venue of this hearing; and that it had been served on her in accordance with the requirements of Rule 65 by virtue of its being posted to her registered address.
14. A link to download a copy of the notification of hearing was also sent to Miss Conaghan by email on 28 May 2024.
15. The next consideration for the Committee was whether to proceed with the hearing in Miss Conaghan's absence. This is a discretion which must be exercised with great care and caution.

16. The Committee was satisfied that the GDC had made all reasonable efforts to send notice of this hearing to Miss Conaghan. There had been no response or engagement from her save for the telephone discussion on 11 June 2024. The Committee was satisfied that Miss Conaghan is aware of this hearing and its purpose. She makes no application for a postponement or adjournment of the hearing and had confirmed that she was content for the hearing today to proceed in her absence and for her case to be reviewed on the papers. There was nothing to indicate to the Committee that adjourning the hearing today would make her attendance any more likely at a future hearing, given her history of non-engagement and her stated intention to no longer participate in these proceedings.
17. The Committee determined that Miss Conaghan had voluntarily absented herself from this hearing and had waived her right to attend and/or be represented. Having regard to all the circumstances, including the pending expiry of the current period of suspension and the need for the expeditious disposal of proceedings, the Committee determined that it would be fair and in the public interest to proceed with the hearing, notwithstanding her absence. The Committee further determined to proceed with the hearing in the absence of the GDC and to review the case on the papers.
18. The Committee accepted the advice of the Legal Adviser in respect of the review.
19. The Committee determined that Miss Conaghan continues to show a lack of insight and remediation in respect of her convictions and the impact these have on the reputation of the profession. Her only engagement in this hearing has been to confirm that she has no intention of engaging in these proceedings or of returning to the dental profession.
20. The Committee noted that the lack of evidence of insight and remediation may relate more to the fact that Miss Conaghan has left the profession and does not seek to return to dentistry: she might not have the motivation to engage in these proceedings in order to demonstrate remediation. The impact of her convictions on her fitness to practise is remediable through reflection and insight but, regrettably, she does not demonstrate this and there is a persuasive burden on her to do so.
21. As observed by the last reviewing Committee, Miss Conaghan's fitness to practise in respect of convictions of this nature will not cease to be impaired through the passage of time alone: she must actively engage in these proceedings and demonstrate to a reviewing committee sufficient insight and remediation. There has been no material change in circumstances since the case reviewed by the PCC in August 2022 and in August 2023. The Committee determined that Miss Conaghan's fitness to practise as a dental nurse continues to be impaired by reason of her convictions.
22. The Committee next considered what further action, if any, to take in respect of Miss Conaghan's registration. The Committee determined that the continued restriction of her registration remains necessary in the public interest, in order to uphold and declare appropriate standards of conduct and behaviour. She had been convicted of two drug related offences and is yet to demonstrate sufficient insight and remediation into her criminal offending and its impact on public confidence in the profession. There was



nothing to suggest to the Committee that conditions of practice could be formulated to be workable, measurable and proportionate. Conditions could not be formulated to address the nature of her convictions and there was in any event nothing to suggest that she would comply with any conditions on her registration owing to her history of non-engagement in these proceedings and her stated intention not to engage in the future.

23. The Committee therefore determined that the suspension of Miss Conaghan's registration remains necessary and proportionate. Her registration has now been suspended for more than two years. This means that the Committee now has the power to consider directing that Miss Conaghan's registration be suspended indefinitely, as forewarned to her by the PCC in August 2023 and by the GDC during the telephone call on 11 June 2024. The Committee concluded that a reviewing committee in 12 months would be in the same position as the Committee today (and as the last two reviewing PCCs): there would continue to be a lack of engagement from Miss Conaghan and there would continue to be a complete absence of any evidence of insight and remediation. Accordingly, the Committee determined that nothing would be achieved by directing a period of suspension of up to 12 months with a review. There was nothing to indicate to the Committee that Miss Conaghan would seek to engage in the process of remediation in respect of her convictions, which are serious and which, in the absence of remediation, would be damaging to public confidence in the profession should be allowed to resume practice. Having regard to all the circumstances, the Committee determined that the indefinite suspension of Miss Conaghan's registration is now necessary and proportionate.

24. Accordingly, the Committee directs that Miss Conaghan's registration be suspended indefinitely.

25. The concludes the hearing today.