

HEARING PART- HELD IN PRIVATE**Professional Conduct Committee
Initial Hearing****12 and 13 March 2025****Name:** TAKHAR, Gursharnpreet Singh**Registration number:** 179306**Case number:** CAS-207552

General Dental Council: Sam Thomas, counsel
Instructed by Rosie Geddes, IHLPS**Registrant:** Present
Represented by Ghazan Mahmood, counsel
Instructed by Sam Ashley-Williams, Clyde & Co solicitors

Fitness to practise: Impaired by reason of misconduct**Outcome:** Fitness to Practise Impaired. Reprimand Issued**Duration:** N/A**Immediate order:** N/A

Committee members: Jill Crawford (Lay) (Chair)
Janhvi Amin (Dentist)
Lisa Shaw (Dental Care Professional)**Legal adviser:** Kenneth Hamer**Committee Secretary:** Gareth Llewellyn

Determination on preliminary matters and facts – 12 March 2025

Mr Takhar

1. This is a hearing before the Professional Conduct Committee (PCC). The hearing is being held in person at the offices of the Dental Professionals Hearings Service in central London.
2. You are present and are represented by Ghazan Mahmood of counsel, instructed by Sam Ashley-Williams of Clyde & Co solicitors. Sam Thomas of counsel, instructed by Rosie Geddes of the General Dental Council's (GDC's) In-House Legal Presentation Service (IHLPS), appears for the GDC.

The charge

3. The charge that you face at this hearing, which was amended as referred to below, reads as follows:

1. In December 2022, you sent messages in a Whatsapp group named 'Sikh Dentists: News Chat' as follows:

a) 'Should piss on the snowman, make him a Chinah man, rename him Covid Shoman'

b) 'Not a massive fan of Chinese, my personal experience of the Chinese middle class travellers in Thailand was racist and arrogant twats'

c) 'Its bullshit WhatsApp banter, minor things, I'm not here writing a PhD thesis on world affairs and nor are you...'

d) 'Check your own wing mirrors yaara, I'm at a x-mas house party with loads of racist mates. Looooool joker.'

2. The comments made at 1(a); and/or 1(b); and/or 1(c); and/or 1(d), above, were:

a) Inappropriate; and / or

b) Racist in relation to 1 (a) and 1 (b) only.

AND that by reason of the facts alleged, your fitness to practise is impaired by reason of misconduct.

Amendment to the charge

4. At the outset of the hearing Mr Thomas applied to amend head of charge 2 (b) pursuant to Rule 18 of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules') so as to add the words '*in relation to 1 (a) and 1 (b) only*'. Mr Thomas explained that heads of charge 1 (c) and 1 (d) formed part of a continuous conversation with heads of charge 1 (a) and 1 (b) and related back to those heads of charge. However, the GDC no longer contends that the specific comments that you made as set out at heads of charge 1 (c) and 1 (d), when viewed in isolation, were racist. Mr Thomas therefore applied to amend head of charge 2 (b) to reflect the GDC's case. The Committee, having accepted the advice of the Legal Adviser, determined to accede to the amendment on the basis that it was fair and appropriate for the amendment to be made, and that no injustice would be caused to you were it to make the proposed amendment. The schedule of charge was duly amended.

Tendering of admissions

5. Mr Mahmood on your behalf tendered admissions to all of the heads of charge, as amended,

that you face pursuant to Rule 17 (4) of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). The Committee noted those admissions. The Committee invited Mr Thomas to address the Committee as to the background to the case and the nature of the allegations before determining whether some or all of those facts are proved on the basis of your admissions.

Background to the case and summary of allegations

6. The allegations giving rise to this hearing arise out of messages that you are alleged to have sent on the WhatsApp messaging platform to members of a WhatsApp group named 'Sikh Dentists: News Chat'. It is understood that there were approximately 300 members of the group in question. The GDC alleges that in December 2022 you sent four specific messages which were inappropriate, and further alleges that two of the four comments were racist. You were challenged by other members of the group about your comments. The allegations arose as a result of a referral made to the GDC on an anonymous basis.

Evidence

7. The Committee has been provided with documentary material in advance of the hearing in relation to the heads of charge that you face, including the witness statements and documentary exhibits of a casework manager in the GDC's fitness to practise team and a senior paralegal in the GDC's IHLPS, who produce copies of the WhatsApp messages giving rise to these proceedings, as well as a copy of your previous observations on the allegations, together with other supporting information. The Committee also received a copy of a letter from your legal representatives dated 6 February 2025 which sets out the position that you intended to take at this hearing in respect of the allegations that you face.
8. The Committee heard no oral evidence at this stage of the hearing.

Determination of admissions

9. The Committee, having accepted the advice of the Legal Adviser, then determined and announced that the facts alleged at those heads of charge were proved on the basis of your admissions in accordance with Rule 17 (4) of the Rules. For clarity, the Committee's findings are set out in the following table.

1.	<i>In December 2022, you sent messages in a Whatsapp group named 'Sikh Dentists: News Chat' as follows:</i>
1. (a)	<p><i>'Should piss on the snowman, make him a Chinah man, rename him Covid Shoman'</i></p> <p>Admitted and proved</p>
1. (b)	<p><i>'Not a massive fan of Chinese, my personal experience of the Chinese middle class travellers in Thailand was racist and arrogant twats'</i></p> <p>Admitted and proved</p>
1. (c)	<p><i>'Its bullshit WhatsApp banter, minor things, I'm not here writing a PhD thesis on world affairs and nor are you...'</i></p> <p>Admitted and proved</p>
1. (d)	<p><i>'Check your own wing mirrors yaara, I'm at a x-mas house party with loads of racist mates. Looooool joker.'</i></p>

	Admitted and proved
2.	<i>The comments made at 1(a); and/or 1(b); and/or 1(c); and/or 1(d), above, were:</i>
2. (a)	<i>Inappropriate; and / or</i> Admitted and proved
2. (b)	<i>Racist in relation to 1 (a) and 1 (b) only.</i> Admitted and proved

10. With all of the facts having been found proved, we move to stage two.

Determination on misconduct, impairment and sanction – 13 March 2025

11. Following the handing down of the Committee's findings of fact on 12 March 2025, the hearing proceeded to stage two; that is to say, misconduct, impairment and sanction.

Proceedings at stage two

12. The Committee has considered all the evidence presented to it, both oral and documentary. It has taken into account the submissions made by Mr Thomas on behalf of the GDC and those made by Mr Mahmood on your behalf.

13. In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has also had regard to the GDC's *Standards for the Dental Team* (September 2013) in place at the time of the incidents giving rise to these proceedings.

14. The Committee has accepted the advice of the Legal Adviser concerning its powers and the principles to which it should have regard.

Fitness to practise history

15. Mr Thomas addressed the Committee in accordance with Rule 20 (1) (a) of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). He stated that you have no fitness to practise history with the GDC.

Summary of evidence at stage two

16. The Committee heard oral evidence from you. In your oral evidence to the Committee you said that you are remorseful for, and embarrassed by, the comments that you made in the WhatsApp group. You stated that some of your comments were intended to be light-hearted and written without thought, but that on reflection your comments were ill-judged and racist. You referred to having been under the influence of alcohol at the time that you made the most recent comment. You described feeling defensive and irritated when making some of the comments in question as the exchanges continued. You referred to the impact that some private issues had on your judgement, as well as you having used the WhatsApp group as a form of 'light release' at the time. You stated however that you have not yet apologised to the members of the group, that you regret not doing so at the time, but that you intend to do so at the conclusion of these proceedings. You referred to the steps that you have taken to develop insight into your actions, and you described the reflections, further learning and remediation that you have undertaken to ensure that you would act differently in the future.

17. The Committee has been provided with further documentary evidence relevant to its consideration at this second stage of the hearing. This material includes a witness statement written by you, certificates of and reflections upon continuing professional development (CPD) that you have undertaken, and testimonial letters from colleagues, acquaintances and friends. The Committee has also again had regard to the documentary material produced in advance of the hearing, which includes further certificates of and reflections upon your CPD, and further testimonial letters from colleagues, acquaintances and friends.

Summary of submissions

18. Mr Thomas on behalf of the GDC submitted that the proven facts amount to misconduct. Mr Thomas submitted that, whilst you have shown evidence of some insight and remediation, your reflections on, and remedying of, your conduct is not complete, and in particular that practical steps are lacking. Mr Thomas submitted that, accordingly, your fitness to practise is currently impaired. Mr Thomas also submitted that a finding of impairment is required in the public interest. Mr Thomas invited the Committee to impose a direction of suspension for a period of between three and six months, with a review hearing to take place prior to the end of that period of suspension.
19. Mr Mahmood on your behalf submitted that you accept that the proven facts amount to misconduct. Mr Mahmood submitted that the evidence that has been provided to the Committee demonstrates that there is no risk of repetition of your misconduct, and that your fitness to practise is not currently impaired.
20. In putting forward this argument Mr Mahmood invited the Committee to note that you are of previous good character, with no other instances having occurred either before or since. Mr Mahmood invited the Committee to consider the amount of time that has passed since the incident in question, that the incident was an isolated incident, and that a number of positive testimonials have been submitted on your behalf. Mr Mahmood also asked the Committee to note the circumstances prevailing at the time as mentioned above, as this had the effect of clouding your judgement and caused you to act in a manner that you have not behaved in before or since. Whilst not resiling from the admissions that he tendered on your behalf, upon which the Committee made its factual findings, Mr Mahmood invited the Committee to see the comments as immature and ill-judged, and to accept that you had no intention of offending. Mr Mahmood submitted that you have reflected deeply on your misconduct, including having demonstrated insight into what you have referred to as 'subconscious biases' in evidence in the messages. Mr Mahmood characterised your insight as being 'full', and also referred to the remediation that you have undertaken in association with this insight.
21. Mr Mahmood also submitted that a finding of impairment is also not needed in the wider public interest, and that a fully informed observer would not require such a finding. Mr Mahmood cited the case of *Professional Standards Authority for Health and Social Care v Health and Care Professions Council and Roberts* [2020] EWHC 1906 (Admin), and argued that the Committee must consider this case on its own merits in determining whether a finding of impairment is required in the wider public interest.
22. Mr Mahmood submitted that, were the Committee to make a finding of impairment, no higher sanction than that of a reprimand, or in the alternative a period of suspension of not more than one month, would be appropriate.

Misconduct

23. The Committee first considered whether the facts that it has found proved constitute misconduct. In considering this and all other matters, the Committee has exercised its own independent judgement.

24. In its deliberations the Committee has had regard to the following paragraph of the GDC's *Standards for the Dental Team* (September 2013) in place at the time of the incidents giving rise to the facts that the Committee has found proved. This paragraph states that as a dentist:

9.1 You must 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.

25. The Committee's findings of fact relate to messages that you sent on the WhatsApp messaging platform to members of a WhatsApp group named 'Sikh Dentists: News Chat'. The Committee has found that in December 2022 you sent four messages which were inappropriate, and that two of those messages were racist.
26. In light of the findings of fact that it has made, the Committee has determined that the facts amount to misconduct. The Committee is mindful that the group was a private group, but the Committee notes that there were a considerable number of participants in that group, and that those participants were fellow dental professionals. The Committee considers that you breached the standard referred to above, and that you failed to adhere to the standards expected of you as a dentist. You contributed to a rather high-level discussion of the nature of racism by making comments which were highly offensive and, in two instances, racist. The Committee finds that a certain amount of thought went into these inappropriate comments, and that you chose to make the comments in question.
27. The Committee considers that your comments were not only offensive, but did cause offence, as is evident from the responses of other participants in the messaging group. Your first comment as set out at head of charge 1 (a) was inappropriate and racist, based as it was on racial slurs and stereotypes. Your second comment as set out at head of charge 1 (b) was also inappropriate and racist, as you extrapolated negative generalisations about Chinese people from your reported negative personal experience of some Chinese people. The Committee noted that you 'doubled-down' when challenged about your first racist comment by making another racist remark. The Committee considered the challenges to your remarks from other participants were polite and constructive invitations to reflect on your racist comments. However, instead of accepting that invitation or choosing not to respond, you sought to downplay your offensive remarks and undermine the challenges to them with your third and fourth inappropriate comments which are set out at heads of charge 1 (c) and 1 (d). The Committee considers that your conduct was a serious falling short of the standards reasonably to be expected of a registered dentist, and that your acts and omissions would be viewed, and indeed were viewed, as deplorable by your fellow practitioners.
28. The Committee has therefore determined that the facts that it has found proved amount to misconduct.

Impairment

29. The Committee next considered whether your fitness to practise is currently impaired by reason of the misconduct that it has found. In doing so, the Committee again exercised its own independent judgement. Throughout its deliberations, the Committee has borne in mind that its overarching objective is to protect the public, which includes the protection of patients and the wider public, the maintenance of public confidence in the profession and in the regulatory process, and the declaring and upholding of proper standards of conduct and behaviour.
30. The Committee has determined that your conduct has brought the dental profession into disrepute. The Committee has also found that your inappropriate and racist comments caused offense. The Committee has considered whether you are liable to repeat such conduct, including whether you have remediated your misconduct.

31. Whilst the Committee notes the difficult personal circumstances at the time, the Committee considers that this does not properly account for why you made such racist and inappropriate comments. The Committee noted that you have undertaken remediation both in relation to unconscious bias and in relation to your responsibility to act in a manner which is compatible with your professional status as a registered dentist. The Committee considers that you have reflected on your comments in a proactive and purposeful manner, and have taken considerable and commendable steps to remedy your wrongdoing. The evidence of your insight and remediation includes face-to-face engagement with a local Chinese community centre, where you discussed your misconduct. This demonstrates your willingness to deal with the fact and impact of your comments despite any discomfort in doing so. The Committee also notes your evidence of extensive and targeted learning, which includes your own reflections on salient topics such as recognising one's unconscious biases. The Committee notes that you have taken steps to identify, recognise and address any underlying beliefs that may exist, and that you have demonstrated measures to avoid a manifestation of any such beliefs. Having considered your oral and written evidence, the Committee considers that these proceedings, culminating in this hearing, have had a salient effect on you. This further lowers the risk of repetition.
32. Having taken all of the evidence presented to it into consideration, the Committee has determined that you have addressed the nature and consequences of your conduct to the extent that a repeat of such conduct is highly unlikely.
33. However, the Committee considers that a finding of impairment is, nonetheless, required to maintain public confidence in the profession and to declare and uphold proper professional standards of conduct and behaviour. In the Committee's judgement the public's trust and confidence in the profession, and in the regulatory process, would be significantly undermined if a finding of impairment was not made given the nature and seriousness of your misconduct. The Committee finds that the racist and inappropriate nature of your conduct in a professional forum needs to be marked by a finding of impairment, and that a fully-informed member of the public would require such a finding. Further, the Committee considers that a finding of impairment is necessary to uphold proper professional standards, including to make clear to the dental professions that such behaviour is unacceptable and will not be tolerated. Accordingly, the Committee has determined that a declaration of impairment is required in the wider public interest in the particular circumstances of this case.

Sanction

34. The Committee then determined what sanction, if any, is appropriate in light of the findings of facts, misconduct and impairment that it has made. The Committee recognises that the purpose of a sanction is not to be punitive, although it may have such an effect, but is instead imposed to protect patients and safeguard the wider public interests mentioned above.
35. In reaching its decision the Committee has again taken into account the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has applied the principle of proportionality, balancing the public interest with your own interests. The Committee has once more exercised its own independent judgement.
36. The Committee has paid careful regard to the mitigating and aggravating factors present in this case.
37. In respect of the mitigating factors that are present, the Committee notes the difficult personal circumstances that you experienced at the time of your misconduct, although it considers that these circumstances do not account for why you made comments that were racist. The Committee also notes the considerable insight and extensive remedial action that you have taken as referred to above, as well as the fact that you are of previous good character, with no fitness to practise history or any reports of any previous or subsequent incidents. The

Committee finds that you have shown remorse and regret for your conduct, and have apologised to and engaged with representatives of the Chinese community. The Committee notes that your misconduct entailed no financial gain. The Committee considers that your misconduct related to a single, isolated event, albeit consisting of multiple comments made as part of an ongoing exchange over a period of less than 24 hours. The Committee also notes that over two years have passed since the incidents in question. The Committee has also had regard to your evidence of the effect that a reported earlier episode of racism towards you had on you. The Committee has also taken into account the supportive testimonials provided by individuals who were informed of the nature of the allegations, and who state that your conduct was out of character.

38. In terms of aggravating factors, the Committee notes that you were invited at the time by other participants in the message group to reflect on your inappropriate and racist comments, and on the effect that those comments had on your professional standing. However, you continued with your inappropriate comments, and chose to maintain your position, with you ultimately seeking to downplay the significance of your comments. The Committee is also mindful that the comments that you made were made in a dental forum with a considerable number of participants, with the purpose and membership of the group being for dentists to discuss relevant issues.
39. The Committee has considered the range of sanctions available to it, starting with the least restrictive. In the light of its findings, the Committee considers that taking no action would not be sufficient in the particular circumstances of this case. In the Committee's judgement public trust and confidence in the profession and in the regulatory process would be significantly undermined if no action were taken.
40. The Committee next considered whether it would be appropriate to conclude the case with a reprimand. In considering this matter the Committee has had particular regard to the guidance provided in the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020), and in particular paragraph 6.9, which sets out a non-exhaustive list of factors which may be present when a reprimand is being considered. After careful consideration the Committee has concluded that it would be appropriate and proportionate to issue a reprimand. The Committee has found that you do not pose a risk to the public, and that you have shown remorse for, insight into, and remediation of your misconduct. The Committee has found that a repeat of your misconduct is highly unlikely. The Committee has also found that your conduct relates to an isolated incident, and that you have no fitness to practise history. The Committee considers that a reprimand is sufficient to declare and uphold proper professional standards of conduct and behaviour, and to maintain public trust and confidence in the profession in the particular circumstances of this case. The Committee considers that a well-informed member of the public would have regard to the Committee's findings of facts, misconduct and impairment, and would not require a sanction higher than that of reprimand.
41. The Committee did consider whether a higher sanction such as a period of conditional or suspended registration would be appropriate. It considered that no higher sanction than that of reprimand is needed in order to address the public interest considerations referred to above, and that a higher sanction would be disproportionate in the particular circumstances of this case. The Committee considers that the public interest considerations referred to above are sufficiently met by a reprimand.
42. This reprimand, and a copy of this determination, will appear alongside your name in the register for a period of 12 months. The reprimand forms part of your fitness to practise history and is disclosable to prospective employers and prospective registrars in other jurisdictions.
43. That concludes this case.