

PUBLIC HEARING ON PAPERS

Professional Conduct Committee Review Hearing

25 October 2024

Name: LAWRENCE, Roderick Eric

Registration number: 110850

Case number: CAS-199925

General Dental Council: Amy Jones, IHLPS (not present)

Registrant: Not represented (not present)

Fitness to practise: Impaired by reason of misconduct

Outcome: Suspended indefinitely

Duration: N/A

Committee members: Debbie Jones (Dental Care Professional) (Chair)
Lynne Vernon (Lay)
Suki Sandhar (Dentist)

Legal adviser: David Marshall

Committee Secretary: Gareth Llewellyn

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1. Neither party is present at this resumed hearing of the Professional Conduct Committee (PCC). The hearing is being conducted remotely using Microsoft Teams in line with the Dental Professionals Hearings Service's current practice. The GDC has invited the Committee to conduct the hearing on the papers in the absence of both parties.

Purpose of hearing

2. The purpose of today's hearing is to review a substantive direction of suspension first imposed on Mr Lawrence's registration by the PCC on 28 September 2022. The hearing is being held in accordance with section 36Q (1) of the Dentists Act 1984 (as amended) ('the Act').

Service

3. The Committee first considered whether service has been properly effected in accordance with the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules').
4. In their written submissions the GDC submitted that Mr Lawrence has been properly notified of today's hearing in accordance with Rule 28 of the Rules. The Committee noted that a notice of hearing was sent to Mr Lawrence's registered address on 4 September 2024 using the Royal Mail's Special Delivery postal service. The notice set out the date, time and venue of the hearing, as well as confirming the nature of the hearing and the powers available to the Committee. The Royal Mail's Track and Trace service records that the notice was delivered on the morning of 6 September 2024, but was subsequently returned to sender with the information that the registrant was not at the specified address. Copies of the notice were also sent to Mr Lawrence by first class post, and was also returned to sender with the information that the registrant was not at the specified address.
5. The Committee accepted the advice provided by the Legal Adviser. Having regard to the GDC's submissions and the evidence placed before it the Committee was satisfied that service has been properly effected in accordance with the Rules.

Proceeding in absence

6. The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Mr Lawrence in accordance with Rule 54 of the Rules. It was mindful that the discretion to proceed in the absence of a registrant must be exercised with the utmost care and caution. In their written submissions the GDC invited the Committee to proceed in the absence of Mr Lawrence. On 3 October 2024 the GDC attempted to telephone the registrant, but was informed that he was no longer at his registered address, and that no forwarding or alternative contact details could be provided.
7. The Committee accepted the advice of the Legal Adviser. It determined that it would be fair and appropriate to proceed in Mr Lawrence's absence. The Committee considers that the GDC has made all reasonable efforts to inform Mr Lawrence of this hearing, and that an adjournment, which has not been requested, would not be likely to secure his attendance. The Committee was also mindful of the public interest in an expeditious consideration of the case, particularly as the extant direction of suspension is due to expire in less than one week's time on 31 October 2024.

Existing order

8. In September 2022 the PCC held a hearing of inquiry in relation to allegations about Mr Lawrence's fitness to practise. Mr Lawrence was not present and was not represented in his absence. The Committee summarised its factual findings in the following terms:

'The Committee found at its factual inquiry stage that Mr Lawrence acted outside of his scope of practice and worked without adequate indemnity cover by providing his analysis of a cephalometric radiograph and his recommended orthodontic treatment plan to the treating dentist of Patient MD. The Committee also found that Mr Lawrence failed to maintain an adequate standard of record-keeping, in that he did not obtain a signed prescription from the patient's treating dentist. The Committee has also found that Mr Lawrence failed to disclose within a reasonable time the records that his dental laboratory held for the patient when the patient requested her records some years later. The Committee also found that Mr Lawrence's implication that no such records were held was misleading and lacking in integrity.'

9. That Committee went on to determine that Mr Lawrence's fitness to practise was impaired by reason of the misconduct arising from its factual findings. The Committee also determined that such a finding of impairment was further required in the public interest. The Committee determined that the appropriate and proportionate sanction to impose was one of suspension for a period of 12 months, with a review hearing to take place prior to the end of that period. The Committee also made recommendations as to the information that Mr Lawrence may wish to provide to a future reviewing Committee.
10. The extant direction of extended suspension was reviewed by the PCC on 16 October 2023. Mr Lawrence was not present and was not represented in his absence. The Committee determined that Mr Lawrence's fitness to practise remained impaired by reason of misconduct, and that such a finding of impairment was further required in the public interest. The Committee determined that the suspension should be extended by a period of 12 months, with a review hearing to once more be held prior to the end of that period of extended suspension.
11. It falls to this Committee to review the extant suspension.

Committee's determination

12. The Committee has carefully considered all the information presented to it, including the submissions of the GDC. It noted that in their written submissions the GDC submitted that Mr Lawrence's fitness to practise remains impaired, and that a finding of current impairment is also, and again, required in the wider public interest. The GDC invited the Committee to make a direction of indefinite suspension.
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 accepted the advice of the Legal Adviser, and in particular noted that Mr Lawrence effectively bears the persuasive burden of demonstrating that his fitness to practise is no longer impaired.

Impairment

14. The Committee has determined that Mr Lawrence's fitness to practise remains impaired. The Committee notes that Mr Lawrence has not provided any evidence to demonstrate that he has taken steps to develop insight into, or remediation of, his misconduct since his registration was suspended. The Committee considers that the same risks to the public arise

from Mr Lawrence's lack of insight and remediation, and that his fitness to practise remains impaired.

15. The Committee further considers that a finding of impairment is also, and once more, required in the wider public interest in light of the nature and seriousness of Mr Lawrence's misconduct. A finding of impairment is again needed in order to declare and uphold proper professional standards of conduct and behaviour and to maintain public trust and confidence in the profession.

Sanction

16. The Committee next considered whether it would be appropriate to revoke the suspension, or to replace the suspension with a direction of conditional registration.
17. The Committee considered that revoking the suspension would not be sufficient to protect the public or the public interest, and that a direction of conditional registration would not be appropriate, proportionate or workable, particularly given Mr Lawrence's persistent lack of engagement.
18. The Committee then went on to consider whether to extend the extant direction of suspension.
19. The Committee concluded that a further period of suspension is unlikely to serve any meaningful purpose. Mr Lawrence has not engaged in these proceedings for a considerable period of time. The Committee again notes that Mr Lawrence has not provided any evidence to demonstrate that he has taken steps to develop insight into, or remediation of, his misconduct since his registration was suspended. In light of Mr Lawrence's ongoing lack of engagement, the absence of any evidence from him to demonstrate that he has acknowledged, addressed and remedied the matters giving rise to these proceedings, and the risks to the public and the wider public interest arising from his misconduct, the Committee considers that indefinite suspension is the appropriate and proportionate outcome.
20. The Committee hereby directs that Mr Lawrence's registration be suspended indefinitely in accordance with section 36Q (1) (d) of the Act.

Right of appeal

21. Mr Lawrence will have 28 days from the date on which notice of this decision is deemed to have been served on him to appeal against this decision. Should he decide to appeal, the existing direction of suspension will remain in force until the resolution of any such appeal. Should he decide not to appeal, the current suspension will take effect on the date on which it would otherwise expire.
22. That concludes this case for today.