

ON PAPERS**Health Committee
Review Hearing****12 November 2024**

Name: LEE, Joanna

Registration number: 248299

Case number: CAS-198978-W6P2G1

General Dental Council: Not present,
Holly Watt of IHLPS

Registrant: Not present,
Not represented.

Fitness to practise: Impaired by reason of misconduct and health

Outcome: Suspended indefinitely

Committee members: Anne Ng (Chair, DCP member)
Johanna Bryant (Dentist member)
Anita Clay (Lay member)

Legal Adviser: Tanveer Rakhim

Committee Secretary: Paul Carson

At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.

1. This is a resumed hearing pursuant to Section 36Q of the Dentists Act 1984 (the 'Act'). The hearing was conducted remotely using Microsoft Teams. Part of this

determination shall be announced in private under Rule 53 of the General Dental Council (Fitness to Practise) Rules 2006 (the 'Rules') to protect Miss Lee's right to privacy in respect of her health.

2. On 19 October 2022 the Health Committee ('HC') found Miss Lee's fitness to practise as a dental nurse to be impaired by reason of misconduct and adverse health. The misconduct related to her [IN PRIVATE] She failed to comply with the GDC's investigation into this matter by not responding to repeated requests for information in relation to these concerns and by not providing [IN PRIVATE].
3. The adverse health found by the initial HC in October 2022 related to [IN PRIVATE].
4. In finding Miss Lee's fitness to practise to be impaired by reason of misconduct, the initial HC stated:

"... Miss Lee's fitness to practise as a dental nurse is currently impaired by reason of her misconduct on both public protection and wider public interest grounds. She has not engaged in these proceedings and there was therefore no evidence before the Committee of any insight or remediation. [IN PRIVATE] This would present a real risk of significant harm to the public and would also seriously undermine public confidence in the profession.

There is also in the Committee's judgment a high likelihood that Miss Lee would continue to not engage in the regulatory process and that she would not cooperate with any further regulatory investigation or inquiry. This too presents a real risk of significant harm to the public and would also seriously undermine public confidence in the profession..."
5. In finding Miss Lee's fitness to practise to be impaired by reason of adverse health, the initial HC stated:

[IN PRIVATE]
6. The initial HC directed that Miss Lee's registration be suspended for a period of 12 months with a review, stating:

"Miss Lee is encouraged to attend the review hearing so that she can participate in these proceedings and provide the reviewing Committee with her reflections on her misconduct and [IN PRIVATE]."
7. The review hearing was held on 2 November 2023. Miss Lee was neither present nor represented at the review hearing. The HC found that there had been no material change in circumstances since the initial hearing and that her fitness to practise continued to be impaired by reason of misconduct and adverse health, stating: *"there is no evidence that she has undertaken any remediation, shown any insight into the matters found proved or provided any information about [IN PRIVATE]."*
8. The November 2023 HC directed that the suspension of Miss Lee's registration be extended by a further period of 12 months with a review *"to allow Ms Lee to engage with the GDC and provide evidence of remediation"*.

The resumed hearing 12 November 2024

9. It is the role of the Committee today to undertake the review directed by the November 2023 HC.
10. Neither party was present at the hearing.
11. In its written submissions, the GDC requested that the hearing proceed in the absence of the parties and that the case be reviewed on the papers. Its position is that Miss Lee's fitness to practise continues to be impaired on both statutory grounds and that a direction for indefinite suspension is now appropriate.
12. There was no record before the Committee of any engagement or response from Miss Lee regarding this review hearing. The last record of any engagement from her with the GDC was an online enquiry which she submitted on 29 August 2024, in which she stated: *"I have applied to be removed from the removed from the register previously. i haven't worked in dentistry for a couple of years. please can this happen [sic]"*.
13. The GDC responded on 13 September 2024 to provide Miss Lee with information on how to proceed with an application for voluntary removal, including the form to make a statutory declaration in support of the application. There is no record before the Committee of any further communication regarding this matter.
14. The Committee accepted the advice of the Legal Adviser on the requirements of service and proceeding in absence.
15. The notification of hearing was sent to Miss Lee at her registered address on 7 October 2024 by both first-class post and Special Delivery. A link to download a copy of the notification of hearing was also sent to her by email on the same day. Royal Mail 'Track and Trace' records that the Special Delivery item was delivered on 9 October 2024. The Committee was satisfied that the notification of hearing contained the required information under Rule 28 of the Rules, including the time, date and (remote) venue of this hearing, along with information on her of her right to attend and/or to be represented, of the Committee's power to proceed in her absence and of the directions which the Committee could give in respect of her registration.
16. The Committee was satisfied that the notification of hearing had been sent with at least 28 days' notice and that it had been served on Miss Lee in accordance with the requirements of Rule 65 by virtue of its being posted to her registered address.
17. The next consideration for the Committee was whether to proceed with the hearing in Miss Lee's absence. This was a discretion which must be exercised with great care and caution.
18. The Committee was satisfied that the GDC had made all reasonable efforts to send notice of this hearing to Miss Lee. She was asked in the notification of hearing to confirm by 14 October 2024 whether she wanted an oral hearing and whether she would be attending and/or be represented. The notification also informed her that:

“if you do not attend the hearing or provide written submissions, this is likely to be severely prejudicial to your case and may lead to a more severe sanction being imposed by the Committee.”

19. There is no record of any response or engagement from Miss Lee, whether by 14 October 2024 or at all. There is no application for a postponement and there was nothing to suggest that adjourning the hearing would make Miss Lee’s attendance any more likely before the pending expiry of the current period of suspension. Having regard to all the circumstances, including Miss Lee’s history of non-engagement and the need to review the current period of suspension before its expiry, the Committee determined that it would be fair and in the public interest to proceed with the hearing notwithstanding Miss Lee’s absence. The Committee further determined to proceed with the hearing in the absence of the GDC and to review the case on the papers.
20. The Committee accepted the advice of the Legal Adviser on the resumed hearing.
21. The Committee had regard to the *GDC’s Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, last revised December 2020).
22. There continues to be no engagement from Miss Lee in these proceedings, save for her recent inquiry requesting voluntary removal. There was a persuasive burden on her to demonstrate to this reviewing Committee that she acknowledges the reasons her fitness to practise was found to be impaired and that she has taken sufficient steps to address them. Owing to her lack of engagement, there continues to be a complete absence of any evidence of any insight, reflection or remediation. There also continues to be a lack of information regarding Miss Lee’s circumstances, including [IN PRIVATE]
23. In those circumstances, the Committee determined that there remains a real risk to the public should Miss Lee be allowed to resume practice without any restriction on her registration. Public confidence in the profession and this regulatory process would also be undermined if no finding of impairment continued to be made. The Committee therefore determined that her fitness to practise continues to be impaired by reason of misconduct and adverse health.
24. The next consideration for the Committee was what further action, if any, to take in respect of Miss Lee’s registration. The Committee determined that the continued restriction of her registration remains necessary for the protection of the public and to maintain public confidence in the profession and its regulation.
25. There was nothing to suggest to the Committee that conditions of practice could be formulated at this stage which would be workable, measurable and proportionate. There is a lack of information regarding Miss Lee’s current circumstances and the Committee could not in any event be satisfied that she would comply with any conditions on her registration, owing to her failure to have cooperated with the GDC’s investigation and her lack of engagement at this review hearing.
26. Accordingly, the Committee determined that the continued suspension of Miss Lee’s registration remains necessary and proportionate. There was nothing to

indicate that there would be any change in circumstances in 12 months' time (the maximum period of suspension) were the Committee to further extend the suspension by that period. There is likely to continue to be no attendance or engagement from Miss Lee and the reviewing Committee would therefore be in no different a position than today. In those circumstances, the Committee regrettably determined that a direction for indefinite suspension is now appropriate given Miss Lee's lack of engagement in these proceedings with no indication from her that she would re-engage in the future.

27. Accordingly, the Committee makes a direction for indefinite suspension. Should Miss Lee wish to re-engage in these proceedings it would be open to her to apply for the indefinite suspension to be reviewed after two years.
28. That concludes this determination.