

PRIVATE HEARING**Health Committee
Initial Hearing****9 to 11 June 2025**

Name: ELLIS, Chloe Freya
Registration number: 296680
Case number: CAS-203533-Z4X4V8

General Dental Council: Thomas Buxton, Counsel
Instructed by Amy Jones, IHLPS

Registrant: Not Present
Not Represented

Fitness to practise: Impaired by reason of health

Outcome: Suspension (with a review)

Duration: 12 Months

Immediate order: Immediate suspension order

Committee members: Margaret Wolff (Chair, Lay Member)
Juliette Brouard (Dentist Member)
Nicola Rice (Dental Care Professional Member)

Legal Adviser: Nicola Gordelier

Committee Secretary: Lola Bird

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

The charge in respect of Chloe Freya ELLIS, a dental nurse, National Diploma in Dental Nursing NEBDN 2021 is as follows:

Charge

"That being a registered dental nurse:

1. You have one or more adverse mental or physical health conditions, as specified in Schedule A.

AND that by reason of the matters alleged above, your fitness to practise is impaired by reason of adverse health."

Schedule A*

[PRIVATE]

**Schedule A is a private document which cannot be disclosed.*

1. This is a Health Committee hearing in respect of Miss Ellis. The hearing is being conducted remotely by Microsoft Teams video-link.

2. Miss Ellis is not present at the hearing, and she is not represented in her absence. The Case Presenter for the General Dental Council (GDC) is Mr Thomas Buxton, Counsel.

Application to proceed with the hearing in the absence of the registrant

3. At the outset, Mr Buxton made an application pursuant to Rule 54 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), to proceed with the hearing notwithstanding Miss Ellis' absence.

4. Mr Buxton drew the Committee's attention to the relevant documents in respect of service. He also referred the Committee to an email dated 19 May 2025, which was sent to Miss Ellis by the GDC, seeking confirmation of her attendance at this hearing. Mr Buxton told the Committee that no response was received. He invited the Committee to conclude that Miss Ellis had been properly served notice of these proceedings and to determine that the hearing should proceed in her absence.

5. The Committee took account of Mr Buxton's submissions, and the supporting documentation provided. It accepted the advice of the Legal Adviser in relation to service and proceeding with a hearing in the absence of a registrant.

Decision on service – 9 June 2025

6. The Committee first considered whether notice of the hearing had been served on Miss Ellis in accordance with Rules 13 and 65. It had sight of the Notice of Hearing dated 30 April 2025 ('the notice'), which was sent to Miss Ellis' registered address by Special Delivery and First-Class post. The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. However, the Committee had before it a Royal Mail 'Track and Trace' receipt, confirming that the copy of the notice sent by Special Delivery was delivered and signed for on 1 May 2025.

7. The Committee also noted that on 30 April 2025, a copy of the notice was sent to Miss Ellis by email.

8. The Committee was satisfied that the notice sent to Miss Ellis complied with the 28-day notice period specified in the Rules. It was also satisfied that the notice contained all the required particulars, including the date and time of the hearing, confirmation that the hearing would be conducted remotely by Microsoft Teams, and that the Committee had the power to proceed in Miss Ellis' absence.

9. On the basis of all the information provided, the Committee was satisfied that Miss Ellis was duly notified of the hearing in accordance with the Rules.

Decision on whether to proceed with the hearing in the absence of the registrant – 9 June 2025

10. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Miss Ellis. It approached this issue with the utmost care and caution. The Committee took account of the factors to be considered in reaching its decision, as set out in the case of *R v Jones* [2002] UKHL 5, and as affirmed in subsequent regulatory cases, including *General Medical Council v Adeogba* [2016] EWCA Civ 162.

11. The Committee bore in mind that fairness to Miss Ellis is an important consideration. However, it was also mindful of the need to be fair to the GDC, and of the public interest in the expeditious disposal of this case.

12. The Committee was satisfied that all reasonable efforts had been made by the GDC to notify Miss Ellis of this hearing. It took into account that the notice of 30 April 2025 was sent and received at her registered address, and a copy was sent to her by email. A further email was sent to Miss Ellis by the GDC on 12 May 2025 attaching a copy of the hearing bundle that would be put before the Committee. There is evidence that Miss Ellis downloaded the attached hearing bundle, but with no reply. The Committee also noted that she did not reply to the subsequent email sent by the Council on 19 May 2025, in which she was asked to confirm whether she would be attending this hearing.

13. In view of Miss Ellis' current non-engagement, there is no information before the Committee regarding the nature and circumstances of her non-attendance. She has not contacted the GDC to

request an adjournment, and there has been no indication that deferring this hearing would secure her attendance on a future date. In all the circumstances, the Committee was satisfied that Miss Ellis has voluntarily absented herself. It therefore considered that adjourning the proceedings would serve no meaningful purpose.

14. As a registered dental professional Miss Ellis is under a duty to engage with her regulatory body. The Committee considered that she has been given every opportunity to do so. It therefore concluded that without good reason for deferring the matters, the hearing should proceed as scheduled. It determined that it was fair and in the public interest to proceed with the hearing in Miss Ellis' absence.

Decision on application to hold the hearing in private – 9 June 2025

15. Mr Buxton next made an application under Rule 53 for the entire hearing to be held in private. He invited the Committee to exercise its discretion under Rule 53(2) of the Rules, in particular, for the protection of Miss Ellis' private and family life. He submitted that references will be made throughout the hearing to matters of Miss Ellis' health, and as such, privacy is required.

16. In reaching its decision, the Committee accepted the advice of the Legal Adviser. It took into account that justice should be administered in public unless one of the exceptions in Rule 53(2) applies. The Committee had regard to the nature of the matters to be considered at this hearing and it was satisfied that Rule 53(2)(a) is engaged, namely that a wholly private hearing is necessary for the protection of Miss Ellis' private and family life.

Case background

17. Miss Ellis first registered with the GDC as a dental nurse on 11 August 2021. This case concerns matters relating to her health.

18. In his opening submissions for the GDC, Mr Buxton told the Committee that in July 2022, an anonymous complaint was received by the Council regarding Miss Ellis. He outlined the details of the complaint and referred to the evidence obtained by the GDC during its investigation of the matter.

19. [PRIVATE].

20. [PRIVATE].

21. [PRIVATE].

22. [PRIVATE].

23. [PRIVATE].

24. [PRIVATE].

25. [PRIVATE]

26. Mr Buxton submitted that the GDC's case is that Miss Ellis has one or more adverse health conditions. [PRIVATE].

Summary of the evidence

27. The Committee received both documentary and oral evidence. In the absence of Miss Ellis or any representative on her behalf, it received no evidence directly from her.

28. [PRIVATE].

29. [PRIVATE].

30. [PRIVATE].

31. [PRIVATE]

FINDINGS OF FACT – 10 June 2025

32. The Committee considered all the evidence presented to it. It took account of the closing submissions made by Mr Buxton on behalf of the GDC in relation to the alleged facts. The Committee accepted the advice of the Legal Adviser. It bore 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 matters are proved on the balance of probabilities.

33. The Committee's factual findings in this case are as follows:

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| 1. | <p><i>You have one or more adverse mental or physical health conditions, as specified in Schedule A.</i></p> <p>Found proved [PRIVATE].</p> <p>[PRIVATE].</p> |
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34. The hearing now moves to Stage Two.

Stage Two of the hearing – 10 to 11 June 2025

35. The Committee has found proved that Miss Ellis has one or more adverse mental or physical health conditions, as specified in Schedule A to the charge [PRIVATE].

36. The Committee's task at this second stage of the hearing has been to consider whether Miss Ellis' fitness to practise is currently impaired by reason of her adverse health. It took into account that if it found current impairment, it would need to consider what sanction, if any, to impose on her registration.

37. In reaching its decision, the Committee considered all the evidence presented to it at the fact-finding stage. It received no further evidence at this second stage. The Committee took account of the submissions made by Mr Buxton on behalf of the GDC in relation to impairment and sanction.

38. The Committee accepted the advice of the Legal Adviser. It bore in mind that its decisions were for its independent judgement. There is no burden or standard of proof at this stage of the proceedings.

Summary of the submissions made by the GDC

39. Mr Buxton submitted that a finding of impairment is required in this case on both public protection and wider public interest grounds. [PRIVATE].

40. Mr Buxton submitted that Miss Ellis has not proactively engaged with these proceedings and as a result there is no information before the Committee regarding her current circumstances. [PRIVATE].

41. [PRIVATE]

42. Mr Buxton invited the Committee to take into account Miss Ellis' lack of engagement and the absence of any evidence of insight, [PRIVATE]. It was Mr Buxton's submission that the risk of repetition is high, and therefore, a finding of impairment is necessary for the protection of the public.

43. In relation to the wider public interest, Mr Buxton asked the Committee to have regard to the GDC's overarching statutory objective, which is: the protection, promotion and maintenance of the health, safety, and well-being of the public; the promotion and maintenance of public confidence in the dental profession; and the promotion and maintenance of proper professional standards and conduct for the members of the dental profession. Mr Buxton submitted that not making a finding of impairment in this case would seriously undermine the reputation of the dental profession.

44. With regard to sanction, Mr Buxton made reference to the GDC's '*Guidance for the Practice Committees including Indicative Sanctions Guidance*' (effective from October 2016; last revised in December 2020) ('the PC Guidance'). He reminded the Committee of the principle of proportionality, and of the need to consider the available sanctions starting with the least restrictive. He submitted that the imposition of a reprimand would not be sufficient in this case, as a reprimand would not impose any restrictions on Miss Ellis' registration. [PRIVATE]. In relation to the prospect of conditional practice, Mr Buxton submitted that, given the absence of any information from Miss Ellis about her current circumstances and future plans, it was very difficult to see how any conditions could be properly formulated or managed.

45. Mr Buxton's submission on behalf of the GDC was that the appropriate and proportionate sanction in this case would be a suspension order for a period of 12 months with a review. He told the Committee that whilst Miss Ellis had made enquires with the Council in October 2024 about Voluntary Removal from the Register, there has been no further information from her regarding her future plans. [PRIVATE].

Decision on current impairment – 11 June 2025

46. The Committee considered whether Miss Ellis' fitness to practise is currently impaired by reason of her adverse health. In reaching its decision, it had regard to the overarching objective of the GDC, as well as to the relevant legal principles drawn to its attention.

47. [PRIVATE].

48. [PRIVATE].

49. The Committee noted that there is no up to date information regarding Miss Ellis' current circumstances. However, it considered that the facts it has found proved are sufficient to indicate a current risk. It took into account that Miss Ellis has had ample opportunity to engage meaningfully with the fitness to practise process, but she has not done so. Consequently, there is no information before the Committee to indicate that Miss Ellis' situation has changed.

50. [PRIVATE]. In all the circumstances, the Committee determined that a finding of impairment is necessary in this case for the protection of the public.

51. The Committee also concluded that public confidence in the dental profession would be undermined if a finding of impairment were not made. In its view, a fully informed member of the public, aware of all the facts, would be concerned if Miss Ellis were permitted to practise unrestricted. Accordingly, the Committee was satisfied that a finding of impairment is also required in the wider public interest.

52. The Committee therefore determined that Miss Ellis' fitness to practise is currently impaired by reason of her adverse health.

Decision on sanction – 11 June 2025

53. Having found that Miss Ellis' fitness to practise is currently impaired, the Committee considered what sanction, if any, to impose on her registration. It bore in mind that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect the public and to uphold the wider public interest. The Committee had regard to the PC Guidance. It applied the principle of proportionality, balancing the public interest with Miss Ellis' own interests.

54. The Committee noted that it was open to it to conclude this case without taking any action in respect of Miss Ellis' registration. However, it considered that such a course would be inappropriate. Taking no action in this case would not serve to protect the public from the risk that has been identified, nor would it maintain public confidence in the dental profession. The Committee therefore considered the available sanctions, starting with the least restrictive.

55. The Committee considered whether to issue Miss Ellis with a reprimand. It considered the relevant factors for a reprimand as set out in paragraph 6.9 of the PC Guidance but concluded that none of them apply. In particular, the Committee took into account that a reprimand may be suitable where there is evidence that the dental professional does not pose a danger to the public. The Committee has identified a risk to the public in this case and there is no evidence that Miss Ellis has

taken any steps to address the concerns. The Committee therefore determined that a reprimand would not be appropriate or sufficient to protect the public and the wider public interest.

56. The Committee next considered whether to impose a conditions of practice order on Miss Ellis' registration. Given Miss Ellis' lack of meaningful engagement to date, the Committee concluded that it could not formulate any workable conditions at this stage. It was not confident that Miss Ellis would comply with any conditions that could be imposed. In the circumstances, the Committee determined that conditional registration would not be appropriate or proportionate.

57. Accordingly, the Committee determined to impose a suspension order on Miss Ellis' registration. A suspension order is the highest sanction available, given that this case relates solely to matters of health.

58. The Committee directs that Miss Ellis' registration be suspended for a period of 12 months. It considered that a 12-month period is proportionate in all the circumstances, to protect the public and to maintain public confidence in the dental profession. The Committee took account of the seriousness of its outstanding concerns and the lack of any meaningful engagement by Miss Ellis with the fitness to practise process. [PRIVATE].

59. The Committee also directs a review of the suspension order. This means that a resumed hearing in respect of Miss Ellis' case will be held shortly before the expiry of the 12-month period. At that hearing, a Health committee will consider what action should be taken in respect of Miss Ellis' registration at that time. She will be informed of the date and time of the resumed hearing.

60. This Committee considered that the reviewing Committee may be assisted by receiving the following:

- Evidence of Miss Ellis' meaningful engagement with the GDC.
- [PRIVATE].

61. Unless Miss Ellis exercises her right of appeal, her registration will be suspended for a period of 12 months, starting 28 days from the date that notice of this decision is deemed to have been served upon her.

62. The Committee now invites submissions from Mr Buxton, as to whether an immediate order of suspension should be imposed on Miss Ellis' registration to cover the 28-day appeal period, pending the taking effect of the 12-month substantive suspension order.

Decision on an immediate order – 11 June 2025

63. Having determined to impose a substantive order of suspension in this case, the interim order currently in place on Miss Ellis' registration is hereby revoked.

64. In considering whether to impose an immediate order of suspension on Miss Ellis' registration, the Committee took account of the submission made by Mr Buxton that such an order should be imposed. He submitted that in light of Miss Ellis' impairment, which has been found on

both public protection and wider public interest grounds, an immediate order of suspension should be imposed to cover the 28-day appeal period.

65. The Committee accepted the advice of the Legal Adviser, who drew its attention to the relevant statutory test for imposing an immediate order.

66. The Committee took account of its substantive determination and was satisfied that the imposition of an immediate order of suspension on Miss Ellis' registration is necessary for the protection of the public and is otherwise in the public interest.

67. The Committee has identified an ongoing risk of harm to the public on account of the concerns raised in this case, and it considered that it would be inconsistent not to impose an order suspending Miss Ellis' registration immediately. It took into account that in the absence of an immediate order, Miss Ellis would be able to practice without restriction during the 28-day appeal period, if she wished to do so, or for longer, in the event of an appeal. An immediate order is therefore necessary for the protection of the public.

68. The Committee was also satisfied that an immediate order is required in the wider public interest. It considered that immediate action is required to maintain public confidence in the dental profession and the regulatory process.

69. The effect of the foregoing substantive determination and this order is that Miss Ellis' registration will be suspended to cover the appeal period. Unless she exercises her right of appeal, the substantive direction for suspension for a period of 12 months (with a review) will take effect 28 days from the date of deemed service.

70. Should Miss Ellis exercise her right of appeal, this immediate order will remain in place until the resolution of the appeal.

71. That concludes this determination.