

PUBLIC HEARING
On papers

Professional Conduct Committee
Review Hearing

16 October 2023

Name: LAWRENCE, Roderick

Registration number: 110850

Case number: CAS-199925-K7R4R6

General Dental Council: Rochelle Williams, IHLPS.

Registrant: Not present
Unrepresented

Fitness to practise: Impaired by reason of misconduct

Outcome: Suspension extended (with a review)

Duration: 12 months

Committee members: Emily Knapp
Kate Birrell
Julie Byrom

Legal adviser: Helen Gower

Committee Secretary: Lydia Kinsella

1. This is the first review hearing of Mr Lawrence's case before the Professional Conduct Committee (PCC). The hearing is being held pursuant to section 50A of the Dentists Act 1984 (*as amended*) (the Act). Neither party was present as the Committee was asked to consider this review on the papers.

Service and Proceeding in absence

2. The Committee first considered whether notice of the hearing had been served on Mr Lawrence in accordance with the General Dental Council (Fitness to Practise) Rules Order of Council 2006 ('the Rules'). It was provided with a copy of the Notification of Hearing, dated 14 September 2023. A copy of that letter was also sent to him by email.
3. The Committee was satisfied that the letter contained proper notification of today's hearing, including its date and time and that it would be conducted remotely via Microsoft Teams. The letter also included the required information, including that the Committee may proceed with the hearing in the absence of Mr Lawrence. The letter was also sent at least 28 days in advance of the hearing.
4. Therefore, the Committee was satisfied that the notification of hearing had been served on Mr Lawrence in accordance with Rules 28 and 65 of the Rules and section 50(A) of the Act.
5. The Committee then went on to consider whether to proceed in the absence of Mr Lawrence and any representative for either party. The Committee was mindful that its decision to proceed in the absence of Mr Lawrence must be handled with the utmost care and caution. The Legal Adviser reminded the Committee of the requirement to be fair to both parties, as well as considering the public interest in the expeditious disposal of this case.
6. The Committee noted that there has not been any engagement by Mr Lawrence in relation to today's hearing and, as a consequence, there was no reason to believe that an adjournment would secure Mr Lawrence's attendance on some future occasion.
7. In these circumstances, the Committee concluded that Mr Lawrence had voluntarily absented himself from today's hearing. In addition, the Committee considered that there is a clear public interest in reviewing the order today, given its imminent expiry. Accordingly, the Committee has determined that it is fair to proceed with today's review in the absence of Mr Lawrence.
8. In view of the submissions on behalf of the GDC the Committee also decided to proceed in the absence of both parties and to conduct this review on the papers.

Background

9. This is the first review of a suspension order initially imposed on Mr Lawrence's registration, following the decision by the Professional Conduct Committee in September 2022.
10. In its determination of that date, the PCC found that Mr Lawrence's fitness to practise was impaired by reason of misconduct and summarised their reasoning as:

"The Committee considers that Mr Lawrence's conduct is capable of being remedied. However, the Committee has been provided with no information whatsoever to suggest that Mr Lawrence has reflected upon, developed insight

into, or taken any steps to remedy the misconduct that it has found. The Committee considers that the risks to public safety, public trust and public confidence that arise out of his misconduct persist, and that Mr Lawrence is therefore liable to repeat the acts and omissions that the Committee has identified.

The Committee has also determined that a finding of impairment is further required in order to declare and uphold proper standards of conduct and behaviour, and to maintain trust and confidence in the profession. Mr Lawrence's conduct has brought the reputation of the profession into disrepute. In the Committee's judgment public trust and confidence in the profession would be significantly undermined if a finding of impairment were not made in the particular circumstances of this case."

11. The initial PCC directed that your registration be subject to suspension for a period of 12 months with a review, stating:

"The Committee has considered the range of sanctions available to it, starting with the least restrictive. In light of its findings, the Committee has determined that it would not be appropriate and sufficient to conclude this case with no action or with a reprimand. The Committee's findings mean that taking no action, or issuing a reprimand, would be insufficient to protect the public, would not be sufficient to declare and uphold proper standards of conduct and behaviour, and would not maintain public confidence and trust in the profession.

The Committee next considered whether a period of conditional registration would be appropriate. The Committee is mindful that Mr Lawrence has not participated in this hearing, which means that it would be difficult for the Committee to be satisfied that conditions, if deemed appropriate, would be complied with. The Committee is also mindful that some of its findings relate to fundamental requirements of registration, namely the need to have appropriate indemnity insurance in place and to work within one's scope of practice. The Committee also has little information about Mr Lawrence's current working practices, other than a suggestion that he has retired from practice. In any event, the Committee considers that a period of conditional registration would not be sufficient to protect the public, to declare and uphold proper professional standards of conduct and behaviour or maintain trust and confidence in the profession.

The Committee therefore went on to consider whether to suspend Mr Lawrence's registration. After careful consideration the Committee concluded that a period of suspension is the appropriate and proportionate outcome in the particular circumstances of this case. As set out above, Mr Lawrence has not demonstrated any evidence of insight into or remediation of his misconduct. In the Committee's judgment patients' interests would be insufficiently protected by a sanction lesser than suspension, and public trust and confidence in the profession requires a direction of suspended registration. The Committee has determined that the appropriate and proportionate period of time for this suspension is 12 months, with a review hearing to take place prior to the expiry of that suspension.

In alighting on suspension as the most appropriate and proportionate sanction, the Committee considered that a direction of the ultimate sanction of erasure would not be appropriate or commensurate given that suspension can adequately protect the public and meet the public interest considerations referred to above.”

12. The PCC considered that the reviewing Committee may be assisted by evidence of the Mr Lawrence’s insight into his misconduct, a log of details relating to targeted CPD and a PDP.

Submissions

13. In its written submissions, the GDC submitted that Mr Lawrence’s fitness to practise remains impaired. It submitted that an order of conditions remains wholly inappropriate given Mr Lawrence’s lack of engagement in the fitness to practise proceedings and his failure to demonstrate any steps towards remediating his conduct. The GDC concluded that an order of conditions would not be workable and would not serve to protect the public or act in the public interest. It submitted that in the circumstances of this case, it would be appropriate and proportionate to extend the order of suspension for a further period of 12 months.
14. Mr Lawrence has not provided any submissions for the Committee to consider at today’s hearing.

Decision on review

15. In considering whether Mr Lawrence’s fitness to practise is currently impaired the Committee bore in mind that this was a matter for its own independent judgement. It also had regard to its duty to protect the public, declare and uphold proper standards of conduct and competence and maintain public confidence in the profession. The Committee accepted the advice of the Legal Adviser.
16. The Committee bore in mind that at a review hearing there is a persuasive burden on the registrant to demonstrate that their fitness to practise is no longer impaired. The Committee noted that Mr Lawrence is not cooperating with the proceedings and has not provided any information to address the concerns identified at the initial PCC hearing. Mr Lawrence has not provided any insight into his misconduct or a log of details relating to targeted CPD and a PDP, as advised by the previous PCC. Given that the only information before the Committee is what was before the initial PCC, it determined that there remains a risk of repetition of the misconduct. The Committee also considered that public confidence in the profession and in the regulator would be undermined if a finding of impairment were not made. Accordingly, the Committee has determined that Mr Lawrence’s fitness to practise remains impaired.

Sanction

17. The Committee had regard to the ‘*Guidance for the Practice Committees, including Indicative Sanctions Guidance*’ (Revised May 2019). The Committee considered what, if any, sanction to impose in this case. The Committee was aware of the range of

sanctions available to it and that it must consider the sanctions in order from the least serious.

18. The Committee has borne in mind the principle of proportionality, balancing the wider public interest against Mr Lawrence's own interests. The wider public interest includes the protection of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct and performance within the profession.
19. The Committee first considered whether it would be appropriate to allow the current order to lapse at its expiry or to terminate it with immediate effect. The Committee determined that it would not be appropriate to terminate the current order or to allow it to lapse, given that Mr Lawrence has not engaged with these proceedings and has not addressed the concerns identified at the initial PCC hearing. Terminating the order would neither protect the public against the risk of repetition of his misconduct.
20. The Committee considered whether a conditions of practice order would be appropriate and workable. As Mr Lawrence hasn't engaged and therefore has not shown any insight into the concerns, it was satisfied that conditions of practice would not address the risk of repetition of the misconduct.
21. Having regard to all the circumstances, the Committee determined that a further period of suspension on Mr Lawrence's registration remains necessary for the protection of the public in order to contain risk of repetition of his misconduct should he return to practice.
22. Accordingly, the Committee determined that the suspension order should continue for a further 12-month period, to allow Mr Lawrence the necessary time to reengage with the GDC should he wish to do so, to undertake necessary CPD and undertake a due period of reflection. The Committee considered that the reviewing Committee might be assisted by the same recommendations as mentioned in the initial PCC, as follows:

“Although it in no way wishes to bind or fetter the Committee which will review today's direction of suspension 12 months' hence, the Committee considers that the reviewing Committee might be assisted by evidence from Mr Lawrence that he has developed insight into his misconduct, as well 19 as him producing a log of and details relating to targeted continuing professional development (CPD). The reviewing Committee may also be assisted by sight of a personal development plan (PDP) from Mr Lawrence.”

23. The period of suspension shall be extended by 12 months, beginning with the date on which the current period of suspension would otherwise expire.
24. The extended period of suspension shall be reviewed prior to its expiry.
25. That concludes this hearing.