

PUBLIC HEARING

Professional Conduct Committee Initial Hearing

7 - 8 April 2025

Name: OWEN, Sade Louise

Registration number: 267851

Case number: CAS-207683-W4Q3L9

General Dental Council: Callum Munday, Counsel.

Instructed by Carly Smith, IHLPS

Registrant: Not Present

Unrepresented

Fitness to practise: Impaired by reason of misconduct and conviction

Outcome: Erased

Immediate order: Immediate Suspension Order

Committee members: Gaon Hart (Lay) (Chair)

Gillian Jones (Dentist)

Pooja Pattni (Dental Care Professional)

Legal adviser: Judith Walker

Committee Secretary: Andrew Keeling



CHARGE

OWEN, Sadie Louise, a dental nurse, Diploma in Dental Nursing Level 3 QCF City & Guilds 2016, is summoned to appear before the Professional Conduct Committee on 7 April 2025 for an inquiry into the following charge:

"That being a registered dental care professional, namely a dental nurse:

- On 21 September 2010, you were convicted at Sussex (Western) Magistrates Court of [PRIVATE].
- 2. On 07 August 2016, you signed the application form for registration with General Dental Council and ticked the box "No" in response to the question: "Have you been convicted of a criminal offence and/or cautioned and/or are you currently subject to any police investigations which might lead to a conviction or a caution in the UK or any other country?".
- 3. On 29 November 2022, you were convicted at Worthing Magistrates' Court of Driving motor vehicle when alcohol level above limit contrary to s.5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.
- 4. Your conduct in relation to charge 2, by failing to disclose the conviction at charge 1, was:
 - a. Misleading
 - b. Dishonest

AND that by reason of the matters alleged above, your fitness to practice is impaired by reason of your conviction and/or misconduct."



1. This is a Professional Conduct Committee (PCC) hearing in respect of an allegation against Miss Sade Owen that her fitness to practise is impaired by reason of misconduct and/or conviction. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams. Miss Owen was neither present nor represented in this hearing. Mr Callum Munday, Counsel, is the Case Presenter for the General Dental Council (GDC).

Preliminary Matters

Private Hearing

- 2. The Committee first considered whether reference to the details of Miss Owen's 2010 conviction, as contained at the head of charge 1, should be heard in private pursuant to Rule 53(1) and (2) of the GDC (Fitness to Practise) Rules 2006 (the Rules). The Committee noted that a conviction dating from 2010 would normally be classed as a spent conviction and therefore would not usually be in the public domain.
- 3. Mr Munday did not oppose this. He submitted that he could refer to Miss Owen's 2010 conviction in a sanitised way during the hearing.
- 4. The Committee heard the advice of the Legal Adviser, who advised that the fact of Miss Owen's 2010 conviction should remain in public in order to make sense of heads of charge 2 and 4, which are related to the conviction. However, she advised that the details of the conviction could be heard in private.
- 5. The Committee accepted the Legal Adviser's advice. It also bore in mind that as Miss Owen was not present at the hearing, she could not make any representations in respect of this matter. The Committee determined, therefore, that any reference to the nature of Miss Owen's 2010 conviction should be heard in private and redacted from any public determination.
- 6. The Committee then considered whether notice of the hearing had been served on Miss Owen in accordance with the Rules and whether to proceed with the hearing in Miss Owen's absence. The Committee heard submissions from Mr Munday and accepted the advice of the Legal Adviser.

Decision on Service of the Notice of Hearing

- 7. The Committee received from the GDC an indexed hearing bundle, which contained a copy of the Notice of Hearing ('the notice'), dated 5 March 2025, thereby complying with the 28-day notice period. The notice was sent to Miss Owen's registered address by Special Delivery, and it was also sent by first class post and secure email.
- 8. The Committee was satisfied that the notice sent to Miss Owen contained proper notification of today's hearing. This included the hearing's time, date and that it will be



taking place remotely on Microsoft Teams, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in Miss Owen's absence.

9. On the basis of the information provided, the Committee was satisfied that the notice had been served on Miss Owen in accordance with Rules 13 and 65.

Decision on Proceeding in the Registrant's Absence

- 10. The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Miss Owen. The Committee approached the issue of proceeding in absence with the utmost care and caution. It took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones (Anthony) [2002] UKHL 5* and *GMC v Adeogba & Visvardis [2016] EWCA Civ 162*. It remained mindful of the need to be fair to both Miss Owen and the GDC, taking into account the public interest and Miss Owen's own interests.
- 11. The Committee noted that there has been no correspondence or engagement with these proceedings from Miss Owen to indicate whether she will be attending the hearing. The Committee was satisfied that all possible steps had been taken to notify her of the hearing. The Committee concluded, therefore, that on a balance of probabilities, Miss Owen had voluntarily absented herself from the hearing and that it was unlikely that an adjournment would secure her attendance at any future hearing.
- 12. The Committee determined, therefore, that it was fair and appropriate to proceed with the hearing in the absence of Miss Owen.

Background and Summary of Allegations

- 13. Mr Munday opened the case for the GDC and provided a background of events to the Committee. He informed the Committee that in November 2022, Miss Owen had informed the GDC that she had pleaded guilty and had been convicted of an offence of drink driving. As part of its investigation into this conviction, the GDC requested and received a copy of the Police National Computer (PNC) record for Miss Owen.
- 14. Mr Munday submitted that this PNC record showed that Miss Owen had also previously been convicted in 2010 for an offence of [PRIVATE]. Mr Munday submitted that Miss Owen was not registered with the GDC at the time of her conviction. However, when she applied for GDC registration in 2016, the GDC alleges that she did not declare this conviction when required to do so. Mr Munday referred the Committee to the application form Miss Owen had completed at the time. He submitted that it is alleged that Miss Owen had ticked the box 'No' in response to the question: "Have you been convicted of a criminal offence and/or cautioned and/or are you currently subject to any police investigations which might lead to a conviction or a caution in the UK or any



other country?". Mr Munday submitted that below the conviction box, there was a specific note to Miss Owen that even spent convictions were required to be disclosed.

15. Mr Munday further submitted that it is alleged that this was, in the alternative, misleading and dishonest. Mr Munday confirmed that misleading (charge 4a) is to be found if the Committee consider the entry to be inadvertently made, and that charge 4b is to be found if the Committee consider the entry to be deliberate on the part of Miss Owen.

Evidence

- 16. By way of factual evidence from the GDC, the Committee was provided a copy of Miss Owen's PNC record, dated 29 November 2022, and a certified court extract from Worthing Magistrates' Court, dated 17 February 2023.
- 17. The Committee also received a witness statement, dated 12 November 2024, and associated exhibits, from a GDC Registration Manager. The Committee was satisfied that this witness statement should be admitted into evidence without the need for the witness to attend the hearing to give oral evidence due to the fact that it had been signed by the witness, and a perjury clause was included and there was no objection to its inclusion.

The Committee's Findings of Fact (7 April 2025)

- 18. The Committee has considered all the documentary evidence presented to it. It took account of the submissions made by Mr Munday, on behalf of the GDC. The Committee heard and accepted the advice of the Legal Adviser. In accordance with that advice, it has considered each head of charge separately, bearing 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 found proved on the balance of probabilities.
- 19. The Committee's findings in relation to each head of charge are as follows:
 - 1. On 21 September 2010, you were convicted at Sussex (Western) Magistrates Court of [PRIVATE].

Found Proved

The Committee had sight of the printout of the PNC record for Miss Owen, dated 29 November 2022. This clearly showed that Miss Owen was convicted on 21 September 2010 at Sussex (Western) Magistrates' Court for the offence of [PRIVATE].



The Committee further noted that the fact of this conviction was not contested and there was no evidence before it which showed that the information about the conviction was incorrect.

Accordingly, the Committee found this head of charge proved.

2. On 07 August 2016, you signed the application form for registration with General Dental Council and ticked the box "No" in response to the question: "Have you been convicted of a criminal offence and/or cautioned and/or are you currently subject to any police investigations which might lead to a conviction or a caution in the UK or any other country?".

Found Proved

The Committee reviewed a copy of Miss Owen's application form for GDC registration, which was dated and signed by Miss Owen on 7 August 2016. This clearly showed that Miss Owen had ticked the box "No" in response to the question: "Have you been convicted of a criminal offence and/or cautioned and/or are you currently subject to any police investigations which might lead to a conviction or a caution in the UK or any other country?".

Accordingly, the Committee found this head of charge proved.

3. On 29 November 2022, you were convicted at Worthing Magistrates' Court of Driving motor vehicle when alcohol level above limit contrary to s.5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.

Found Proved

The Committee had sight of the printout of the PNC record for Miss Owen, dated 29 November 2022, and the certified court extract, dated 17 February 2023, from Worthing Magistrates' Court. Both documents clearly showed that Miss Owen was convicted on 29 November 2022 at Worthing Magistrates' Court for the offence of 'Driving motor vehicle when alcohol level above limit contrary to s.5(1)(a) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988'.

The Committee further noted that the fact of this conviction was not contested and there was no evidence before it which showed that the information about the conviction was incorrect.

Accordingly, the Committee found this head of charge proved.



| 4. | Your conduct in relation to charge 2, by failing to disclose the conviction at charge 1, was: |
|-------|---|
| 4 (a) | Misleading |
| | Found Proved |
| | The Committee noted that Mr Munday indicated that charge 4a and 4b were alternatives. However, the Committee were conscious that Miss Owen had been served the heads of charge as written and had not had an opportunity to address Mr Munday's representations. Therefore, under the Committee's discretionary powers to consider fairness to Miss Owen, it considered charges 4a and 4b as written rather than as alternatives. |
| | The Committee was satisfied that the fact that Miss Owen had not declared her 2010 conviction to the GDC when required to do so, would have led the GDC into believing that she did not have any previous convictions when this was not true. Therefore, the Committee determined that objectively this conduct was misleading. |
| | Accordingly, the Committee found this head of charge proved. |
| 4 (b) | Dishonest |
| | Found Proved |
| | When considering this charge, the Committee referred to the test set out in the case of <i>Ivey v Genting Casinos (UK) Ltd. t/a Crockfords</i> [2017] <i>UKSC 67</i> . It first considered the actual state of Miss Owen's knowledge or belief as to the facts at the time. The Committee then considered whether her conduct would be viewed as dishonest by the objective standards of ordinary and decent people. |
| | When considering Miss Owen's state of mind at the time, the Committee was mindful of the fact that Miss Owen has not attended this hearing and therefore had not had the opportunity to give oral evidence about this head of charge. However, the Committee noted that in making its decision it was entitled to draw inferences from the evidence before it. |

The Committee noted that Miss Owen's conviction was for a serious offence, namely [PRIVATE], and that it would have been unlikely that she would have



forgotten about this when completing the GDC application form, notwithstanding that it was six years later.

The Committee further noted that the paragraph on the form, below where Miss Owen had ticked 'No', clearly outlined the requirement for any conviction to be disclosed. The application form had also been returned to Miss Owen by the GDC on a few occasions as it had been incomplete. The Committee considered that this would have given Miss Owen more time to consider whether she had completed the form correctly and therefore it was unlikely that she would not have remembered to disclose her 2010 conviction.

Lastly, the Committee noted that it was likely that Miss Owen would have been educated on her responsibilities as a dental professional to disclose required information to the GDC and the need for recording accurate information, as part of her training as a dental nurse.

Taking all of this into consideration, therefore, the Committee determined that it was more likely than not that Miss Owen would have been aware of the need to disclose her 2010 conviction on the GDC application form and had deliberately not done so.

The Committee determined that this would be considered dishonest by the objective standards of ordinary and decent people.

Accordingly, the Committee found this head of charge proved.

Stage 2 (8 April 2025)

- 20. Having announced its decision on the facts, the Committee heard submissions from Mr Munday, on behalf of the GDC in relation to the matters of misconduct, impairment and sanction. The Committee also received advice from the Legal Adviser, which it accepted.
- 21. The Committee reminded itself that its decisions on misconduct, impairment and sanction are matters for its own independent judgement. There is no burden or standard of proof at this stage of the proceedings. It 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. Where applicable, the Committee took into consideration the GDC's "Standards for the Dental Team" (the 'GDC's Standards') and the Guidance for the Practice Committees, including Indicative Sanctions Guidance, (October 2016, revised December 2020) ("the GDC's Guidance"). The Committee also had regard to relevant case law.

Summary of the Committee's Findings



22. The Committee has found proved that Miss Owen was convicted in 2010 for the offence of [PRIVATE] and in 2022 for an offence of drink driving. The Committee also found proved that, in November 2016, Miss Owen did not disclose her 2010 conviction on her application form when applying to the GDC for registration. The Committee found her conduct in failing to disclose her conviction to the GDC to be misleading and dishonest.

Submissions

- 23. Mr Munday first addressed the Committee on the matter of misconduct, in respect of Miss Owen's misleading and dishonest behaviour. He referred the Committee to the GDC's Standards 1.3, 9.1 and 9.3, and submitted that these were relevant in this case. He submitted that Miss Owen's conduct would be considered deplorable by fellow professionals and clearly amounts to misconduct.
- 24. In relation to the matter of impairment, Mr Munday referred the Committee to the case of *Cohen v GMC [2008] EWCH 581 (Admin)*. He submitted that dishonesty was more difficult to remediate than clinical failings as it was an attitudinal problem. He further submitted that there has been a complete lack of engagement from Miss Owen. Therefore, there is no evidence of any insight into her misconduct and convictions, or evidence of remorse or remediation. Therefore, he submitted that there was some extant risk of repetition. In respect of Miss Owen's drink driving conviction, he submitted that this was a serious offence that showed recklessness and a lack of judgement.
- 25. In conclusion, Mr Munday submitted that Miss Owen's two convictions and her misconduct supports a finding of current impairment on the public interest ground. He submitted that such a finding was necessary to maintain public confidence in the profession, to uphold the reputation of the profession and to declare and uphold appropriate standards of conduct among dental professionals.
- 26. Lastly, Mr Munday addressed the Committee on the matter of sanction. He submitted that the only appropriate outcome for this case would be one of erasure. He submitted that public confidence in the profession and in the GDC as a regulator would not be safeguarded by any lesser sanction.

Misconduct

- 27. The Committee first considered whether Miss Owen's dishonest behaviour amounted to misconduct. In doing so it had regard to the GDC's Standards. It determined that Miss Owen had breached the following standards:
 - 1.3 You must be honest and act with integrity.



- 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.
- 28. The Committee also had regard to GDC Standard 9.3 ('You must inform the GDC if you are subject to criminal proceedings or a regulatory finding is made against you, anywhere in the world'), as submitted by Mr Munday. However, the Committee did not consider it to be relevant in this case. It noted that Miss Owen was not on the register with the GDC when she was 'subject to criminal proceedings' as her conviction dated from 2010.
- 29. The Committee considered that acting honestly and with integrity was fundamental to being a dental professional. It noted that Miss Owen's dishonest behaviour was premeditated and was intended to deceive her regulator in order to obtain registration. The Committee considered her conduct to be a serious failing that would be considered deplorable by fellow dental professionals. The Committee determined, therefore, that Miss Owen's dishonest behaviour was serious with reference to the GDC's Guidance, Appendix A, paragraph 5, and Miss Owen's non-disclosure clearly amounted to misconduct.

Impairment

- 30. The Committee then considered whether Miss Owen's fitness to practise is currently impaired by reason of her convictions and her misconduct. The Committee had regard to the sections on convictions and dishonesty in the GDC's Guidance.
- 31. When considering Miss Owen's first conviction, the Committee noted that this was a serious offence as it involved [PRIVATE]. However, it was mindful that the conviction dated from 2010, when Miss Owen was a teenager, and took place six years before she was registered with the GDC. The Committee also had no information regarding the circumstances of the conviction.
- 32. In respect of Miss Owen's drink driving conviction, the Committee also considered this to be a serious matter. It noted that Miss Owen had been disqualified from driving for 14 months and fined £646. The Committee again noted that it had received no information in respect of the circumstances of the conviction, including whether Miss Owen had completed the course that would have reduced her disqualification period by 14 weeks. However, owing to the serious nature of the offence, the Committee determined that this showed a recklessness and a serious lack of judgement on Miss Owen's part with a disregard for the public's safety.
- 33. In respect of her two convictions, the Committee noted that there was a gap of 12 years between each conviction, with the first conviction taking place when Miss Owen was still a teenager. The Committee also noted that the convictions were for different offences. It therefore did not consider this to be a pattern of behaviour. However, in the



Committee's view this did not diminish from the overall seriousness of the offences, in particular the drink drive conviction. Furthermore, owing to Miss Owen's lack of engagement from these proceedings, the Committee has seen no evidence of any insight, remorse or remediation from Miss Owen in respect of these convictions. In particular, the Committee has seen no evidence that Miss Owen has reflected on the seriousness of her convictions or the impact it has on her role as a dental professional and the public confidence in the profession.

- 34. The Committee next went on to consider Miss Owen's misconduct. The Committee considered that her misconduct was premeditated and resulted in deceiving the GDC to gain registration. The Committee noted that there would have been several opportunities for Miss Owen to correct the information on the application form as it had been returned to her several times. However, this was not done. The Committee was mindful that dishonesty was an attitudinal failing that was difficult, albeit not impossible, to remediate. However, the Committee has seen no evidence of any insight, remorse or remediation from Miss Owen in respect of her dishonest behaviour. With regard to whether Miss Owen would repeat her misconduct, the Committee noted that she had disclosed her 2022 conviction to the GDC, which may mitigate any future risk of repetition. However, owing to the complete absence of any insight and her lack of engagement with these proceedings, the Committee was not satisfied that her dishonest behaviour would not be repeated.
- 35. In conclusion, the Committee determined that Miss Owen's fitness to practise is currently impaired by reason of her convictions and misconduct on the public interest ground. The Committee determined such a finding was required to maintain public confidence in the dental profession, to uphold the reputation of the dental profession, and to declare and uphold appropriate standards of conduct among dental professionals. It concluded that a reasonable and informed member of the public would lose confidence in the profession and the dental regulator if a finding of impairment was not made in the circumstances of this case.

Sanction

- 36. The Committee next considered what sanction, if any, to impose on Miss Owen's registration. It recognised that the purpose of a sanction is not to be punitive although it may have that effect. The Committee applied the principle of proportionality balancing Miss Owen's interest with the public interest. It also took into account the *GDC's Guidance* on sanction.
- 37. The Committee considered the mitigating and aggravating factors in this case, as outlined in paragraphs 5.17 and 5.18 in the *GDC's Guidance*.
- 38. The Committee considered that it had only been made aware of a few mitigating factors in this case. It considered that Miss Owen's two convictions were isolated offences, as it has mentioned above, that Miss Owen was a teenager during the first



offence, had self-reported the second offence and that the two offences, being dissimilar, showed no pattern of behaviour. The Committee noted that without engagement by Miss Owen, there was an absence of mitigating factors that could be considered.

- 39. The aggravating factors in this case include:
 - · Dishonesty;
 - Premeditated misconduct;
 - Financial gain by the Registrant the Committee determined that Miss Owen had gained financially by entering on to the register and being able to work as a dental professional;
 - Blatant or wilful disregard of the role of the GDC and the systems regulating the profession;
 - Attempts to cover up wrongdoing;
 - Previous convictions (in respect of Miss Owen's 2010 conviction); and
 - Lack of insight.
- 40. The Committee decided that it would be inappropriate to conclude this case with no further action. It would not satisfy the public interest given the serious nature of Miss Owen's convictions and misconduct.
- 41. The Committee then considered the available sanctions in ascending order starting with the least serious.
- 42. The Committee concluded that Miss Owen's two convictions and misconduct cannot be adequately addressed by way of a reprimand owing to their seriousness. The public interest would not be sufficiently protected by the imposition of such a sanction. The Committee therefore determined that a reprimand would be inappropriate and inadequate.
- 43. The Committee then considered whether a conditions of practice order would be appropriate. However, it noted that it would be difficult to formulate conditions to address the issue of Miss Owen's dishonesty. The Committee also noted that Miss Owen has not engaged with these proceedings, and therefore it could not be confident that she would comply with any conditions imposed on her registration. Furthermore, in the Committee's view, conditions would not adequately address the seriousness of Miss Owen's misconduct and convictions or safeguard the wider public interest.
- 44. The Committee next considered whether to suspend Miss Owen's registration for a specified period. It questioned whether a suspension would be sufficient in all the circumstances of the misconduct that it has found and with regard to Miss Owen's two convictions. The Committee considered that a period of suspension would give Miss Owen time to reflect and engage with the GDC. However, Miss Owen has had



considerable opportunities to engage with the GDC and there is no evidence before the Committee that any further opportunities would be taken. However, in reaching its decision, the Committee had regard to the relevant section on suspension in the GDC's Guidance and noted that it may be appropriate if 'there is no evidence of harmful deepseated personality or professional attitudinal problems (which might make erasure the appropriate order)'. The Committee considered that Miss Owen's premeditated dishonest behaviour in not informing the GDC of her conviction to gain entry on to the register may be indicative of a deep-seated personality or professional attitudinal problem. The Committee considered that Miss Owen has shown no insight into these serious matters as she has not engaged with these proceedings. The Committee also has seen no evidence of remorse or remediation from Miss Owen.

- 45. The Committee, therefore, concluded that a sanction of suspension would not be sufficient to mark the seriousness of the misconduct and Miss Owen's convictions. Furthermore, the Committee concluded that the suspension of Miss Owen's registration would not be sufficient to maintain the public's confidence in the dental profession owing to the seriousness of her dishonesty and convictions, and the total lack of any remediation or engagement.
- 46. In considering whether the sanction of erasure was appropriate, the Committee had regard to paragraph 7.34 of the GDC's Guidance, which states:

"Erasure will be appropriate when the behaviour is fundamentally incompatible with being a dental professional: any of the following factors, or a combination of them, may point to such a conclusion:

- serious departure(s) from the relevant professional standards;
- serious dishonesty, particularly where persistent or covered up;
- a persistent lack of insight into the seriousness of actions or their consequences."
- 47. It was the view of the Committee that all of the above applied in the circumstances of this case. It noted that Miss Owen's dishonesty was premeditated and was for the specific purpose of gaining entry on to the dental register. Her actions prevented the GDC from effectively scrutinising her eligibility to be on the register and struck at the very heart of the registration process and the reliability and integrity of the register. Furthermore, her drink driving conviction displayed a recklessness and a serious lack of judgement. She has also not engaged with these proceedings and therefore has provided no evidence of remediation or insight into these serious matters. Given these reasons, the Committee concluded that Miss Owen's behaviour was fundamentally incompatible with being a dental professional.
- 48. In all the circumstances, the Committee has determined to erase Miss Owen's name from the Dental Care Professionals' Register.



49. The Committee now invites submissions as to whether an immediate order should be imposed on Miss Owen's registration, pending the taking effect of its determination for erasure.

Immediate Order Decision (8 April 2025)

- 50. The Committee has considered whether to make an order for the immediate suspension of Miss Owen's registration in accordance with Section 36U of the Dentists Act 1984 (as amended).
- 51. Mr Munday, on behalf of the GDC, submitted that an immediate order of suspension is necessary in Miss Owen's case.
- 52. The Committee has considered the submission made. It has accepted the advice of the Legal Adviser.
- 53. The Committee is satisfied that an immediate order of suspension is necessary in the public interest. The Committee concluded that given the nature of its findings and its reasons for the substantive order of erasure in Miss Owen's case, it is necessary to direct that an immediate order of suspension be imposed on this ground. The Committee considered that, given its findings, if an immediate order was not made in the circumstances, there would be a risk that public confidence in the profession would be undermined.
- 54. The effect of this direction is that Miss Owen's registration will be suspended immediately. Unless Miss Owen exercises her right of appeal, the substantive order of erasure will come into effect 28 days from the date on which notice of this decision is deemed to have been served on her. Should Miss Owen exercise her right of appeal, this immediate order for suspension will remain in place until the resolution of any appeal.
- 55. That concludes this hearing.