

PRIVATE HEARING**Professional Conduct Committee
Initial Hearing****21- 24 September 2025**

Name: LUNIYA, Hemraj
Registration number: 104001
Case number: CAS-205069-C5N3J0

General Dental Council: Ms Holly Girven, counsel.
Instructed by Jalpa Patel, IHLPS

Registrant: Present and represented by Simon Cridland, Counsel.
Instructed by Esme Smyth, Dental Protection.

Fitness to practise: Impaired by reason of conviction, misconduct and health
Outcome: Suspension (with a review)
Duration: 3 months

Committee members: Anthony Mole (Chair and Lay member)
Juliette Brouard (Dental member)
Yasmin Lawton (DCP member)

Legal adviser: Stephen Bate

Committee Secretary: Jamie Barge

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Mr Luniya

1. You are present at this hearing and you are represented by Mr Simon Cridland, Counsel. Ms Holly Girven, Counsel, appears on behalf of the General Dental Council (GDC).
2. This hearing before the Professional Conduct Committee ('the Committee') was convened for the purposes of an inquiry into a charge against you as follows:
 1. *On 20 January 2022 you were convicted at South Yorkshire Magistrates' Court of an offence of failing without reasonable excuse to provide a specimen or specimens of breath for analysis contrary to section 7(6) of the Road Traffic Act 1988.*
 2. *You failed to immediately inform the General Dental Council that you had been convicted of the criminal offence at allegation 1, in that you did not inform the General Dental Council of your conviction*
 3. *Your actions in relation to allegation 2 were;*
 - a) *Misleading and/or*
 - b) *Dishonest*
 4. *You have one or more of the adverse health conditions set out in Schedule A.*

And that by reason of the matters alleged above, your fitness to practise is impaired by reason of your conviction and/or misconduct and/or adverse health.

[PRIVATE].

Preliminary matters

3. Ms Girven made a preliminary application under Rule 53 of the GDC Rules to hold all of this hearing in private in view of the extent of the health matters under consideration by this Committee. Mr Cridland supported the application.
4. The Committee is satisfied to hold the hearing in private in its entirety under Rule 53 of the General Dental Council (Fitness to Practise) Rules 2006 (the "Rules"). The Committee was satisfied that very many of the matters relevant to this hearing concern your health and that these are inextricably bound up with the allegation of misconduct and other non-health matters. The Committee considered that it would not be practicable to separate these in the conduct of the hearing and therefore determined that it is necessary to conduct the entire hearing in private.
5. The Committee shall announce its findings of fact publicly, except where your health is discussed.

Admissions

6. At the outset of the hearing, Mr Cridland told the Committee that you admitted all of the charges in its entirety, namely heads of charge 1, 2, 3, and 4. He informed the Committee that there are no factual disputes to be resolved at Stage 1.

Decision on admissions to the charges

7. Having heard your admissions, the Committee accepted the advice of the Legal Adviser, who drew its attention to Rule 17(4) of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), which states that:

"A Practice Committee shall in the first instance deal with any ..., admissions ..., and make determinations in respect of them before the commencement of the factual inquiry."

8. In all the circumstances, the Committee determined that it was content to accept your admissions to the heads of charge 1-4. In accordance with Rule 17(5), the Chair of the Committee announced the alleged facts as proved on the basis of your admissions.

Background

9. On 23 October 2023, the GDC received a referral via email from a Local Authority Designated Officer ("LADO") for the East Riding of Yorkshire Council. The GDC contacted the Practice where you had worked directly to make further enquiries. They confirmed that the Practice was aware of the issues, and that you had been restricted from all clinical duties since 16 October 2022. [PRIVATE].
10. Following receipt of information from the complainant, the GDC requested a PNC check which confirmed that on 20 January 2022, you were convicted at South Yorkshire Magistrates of Failing to provide a specimen for analysis (driving or attempting to drive) on 14 April 2021 contrary to Road Traffic Act 1988 s.7(6). It is alleged that you failed to immediately inform the GDC of your conviction, and that your conduct in this report was both misleading and dishonest.
11. [PRIVATE].

Evidence

12. The Committee received a bundle of documents provided by the GDC which comprised the following:
 - A signed GDC witness statement dated 11 March 2026 from Majed El Giathi, GDC Senior Paralegal and supporting exhibits.
 - A signed GDC witness statements dated 14 September 2026 and 19 September 2026 from Aimee McLaughan, GDC Case Worker.
 - [PRIVATE].
 - [PRIVATE].
 - [PRIVATE].
 - [PRIVATE].
 - Your signed witness statement dated 16 July 2026 with exhibits.

- Workplace Reporter reports dated 30 April 2026, 13 August 2026, and 1 September 2026.

13. I will now announce the Committee's findings in relation to each head of charge:

1.	On 20 January 2022 you were convicted at South Yorkshire Magistrates' Court of an offence of failing without reasonable excuse to provide a specimen or specimens of breath for analysis contrary to section 7(6) of the Road Traffic Act 1988. Admitted and found proved.
2.	You failed to immediately inform the General Dental Council that you had been convicted of the criminal offence at allegation 1, in that you did not inform the General Dental Council of your conviction. Admitted and found proved.
3.	Your actions in relation to allegation 2 were;
3.a	Misleading; and Admitted and found proved.
3.b	Dishonest Admitted and found proved.
4	You have one or more of the adverse health conditions set out in Schedule A. Admitted and found proved.

14. We now move to stage 2.

Stage 2 of the Hearing – 24 September 2026

15. Following the handing down of the Committee's findings of fact, the hearing proceeded to stage two; that is to say, the statutory grounds of conviction, health, misconduct, current impairment and sanction.
16. The Committee has considered all the evidence presented to it, both oral and documentary. It has taken into account the submissions made by Ms Girven on behalf of the GDC and those on your behalf from Mr Cridland in accordance with Rule 20. In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (6 January 2026). The Committee has accepted the advice of the Legal Adviser concerning its powers and the principles to which it should have regard.

Fitness to practise history

17. Ms Girven for the General Dental Council (GDC), provided a GDC stage 2 bundle which concerned your previous fitness to practise history. She advised the Committee that on 22 July 2021 the GDC's Investigating Committee closed a similar matter with a warning. That matter related to you were cautioned by Police for criminal damage and being convicted for failing to give a breath sample on 8 August 2007. Also on 17 May 2024, the GDC'S Case Examiners closed another matter with advice. This matter related to a clinical matter with a patient.

Stage 2 evidence

18. The Committee received the following at this stage of the proceedings:

- Your oral evidence;
- [PRIVATE];
- Defence stage 2 bundle which included your written personal reflection dated July 2026, Continuing Professional Development (CPD) certificates and reflections. Also you provided development and restoration plan dated 7 February 2026, medical reports and testimonials from colleagues.

Summary of submissions

19. In accordance with Rule 20, the Committee heard submissions from Ms Girven on behalf of the GDC and those made by Mr Cridland on your behalf.
20. Ms Girven invited the Committee to consider making a finding of misconduct. She submitted that the serious nature of the findings against you of your conviction on 20 January 2022, including a finding of dishonesty in failing to immediately inform your regulator at the material time of that conviction. In short, Ms Girven submitted that a finding of misconduct is necessary for the protection of the public and is also required in the wider public interest.
21. Ms Girven then addressed the Committee on the issue of impairment and submitted that a finding is required on all three statutory grounds. She submitted that there was a risk of harm by your failure to report your conviction to your regulatory body. She submitted your dishonest behaviour also brought the reputation of the profession into disrepute. Ms Girven submitted that you have not yet fully remediated your previous failings and are yet to demonstrate full insight into your past conduct. Ms Girven submitted that many of your reflections on your conduct and conviction have focused on the impact on you rather than on the dental wider profession. She therefore invited the Committee to make a finding of impairment in respect of both misconduct and your conviction.
22. Turning to health matters, Ms Girven submitted you are impaired by reason of your adverse health condition that of [PRIVATE]. She submitted [PRIVATE] that you have yet to demonstrate that you are fit to practice without restriction. [PRIVATE].
23. Ms Girven submitted that it is possible to formulate conditions that would adequately protect the public. However, in view of the seriousness of your conduct, the appropriate sanction is suspension for a period of between 3 and 6 months with a review. In support of that submission, Ms Girven highlighted the serious nature of the dishonesty in this case and that a suspension was needed to mark the gravity of your conduct.
24. Mr Cridland submitted that you accept that your conduct fell far below the standards required and constitutes serious professional misconduct.
25. Mr Cridland submitted that in respect of impairment, you accept the seriousness of the matter of your past conviction and misconduct. You fully accept that your behaviour when failing to provide a breath specimen on that day posed risks to the public. Mr Cridland submitted you are deeply ashamed of your past behaviour. You now recognise the importance of informing GDC of your conviction promptly and that your past behaviour constitutes a very serious matter. Mr Cridland asked the Committee to bear in mind the context of when that misconduct occurred when you were suffering from a serious illness, which was some 4.5 years ago. Mr Cridland submitted that you have provided detailed, open and honest reflections into your past behaviour and have shown a reassuring development of insight into your past dishonest conduct. Mr Cridland submitted there is good evidence that you have reflected on your Continuing Professional Development (CPD) and sought to target your CPD, to the issues which this case gives rise to, such as courses in probity and ethics. He submitted that you have demonstrated total insight into your past misconduct.

26. In respect of your adverse health condition, Mr Cridland submitted you accept that you have an ongoing health condition and accept that you are impaired by reason of your adverse health condition, [PRIVATE].
27. Finally in respect of sanction, Mr Cridland submitted that this Committee can appropriately deal with this case by way of conditions. He submitted that there are workable conditions, [PRIVATE].

Misconduct

28. The Committee first considered whether the facts proved under 2 and 3 against you amount to misconduct. It took into account that a finding of misconduct in the regulatory context requires a serious falling short of the professional standards expected of a registered dental professional. The Committee had regard to the GDC's 'Standards for the Dental Team (Effective from September 2013)' ('the GDC Standards').
29. The Committee considers you breached the following standards:
- 1.3.2 You must make sure you do not bring the profession into disrepute.*
- 9.2.1 If you know, or suspect, that patients may be at risk because of your health, behaviour or professional performance, you must consult a suitably qualified colleague immediately and follow advice on how to put the interests of patients first.*
- 9.3.1 You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world.*
30. The Committee considered that the duty placed upon registered dental professionals by Standard 9.3.1. is an important regulatory requirement. It allows the GDC to assess and investigate the fitness to practise of its registrants and to maintain the integrity of its registers. You failed to take appropriate steps to ensure that this had been done.
31. In assessing whether your actions meet the threshold of misconduct, the Committee reminded itself that misconduct is a serious falling short of the standards reasonably expected of a registered dental professional. You have accepted that your conduct was dishonest and that your conduct fell far below the standards expected.
32. The Committee considers that your conduct fell far short of the standards required of a dentist. The Committee considers that despite the difficult personal and health issues you were experiencing at the time, you had a mandatory requirement to immediately inform your regulatory body of any known convictions, yet you failed to do this.
33. The Committee had regard to Standard 9.3.1 as outlined in its findings of fact and in the GDC's submissions made at this stage. It considered that your failure to adhere to the requirement to immediately inform the GDC that you had been convicted of a criminal offence was a serious departure from what was expected of you. The Committee considered that there was a significant delay until October 2023, during which the GDC was deprived of the ability to consider the impact of the conviction on your fitness to practise, and whether any action needed to be taken to protect the public or the wider public interest. Your failure to report your conviction in the required way, served to undermine the GDC's regulatory function. Your failure to immediately notify the GDC of your conviction was misleading and dishonest. Your conduct as proved under heads of charge 2 and 3 brought the profession into disrepute.
34. Accordingly, the Committee was satisfied that the facts found proved in respect of head of charge 2 and 3 both individually and cumulatively amounted to serious misconduct.

35. The statutory grounds of adverse health and criminal conviction have been established.

Impairment

36. The Committee next considered whether your fitness to practise is currently impaired. It had regard to the over-arching objective of the GDC, 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.

Adverse Health

37. [PRIVATE].

38. [PRIVATE].

39. [PRIVATE].

40. [PRIVATE]. The Committee have concluded, taking into account all the evidence, that there is current impairment on public protection grounds.

41. The Committee also considers that in light of the above findings; a well-informed member of the public would be troubled if you were to practise unrestricted and therefore a finding of impairment is further required to maintain public confidence in the profession and to uphold proper professional standards of conduct and behaviour.

42. Accordingly, the Committee determined that your fitness to practise is currently impaired by reason of your adverse health of [PRIVATE] on both grounds of public protection and public interest.

43. [PRIVATE].

44. Accordingly, the Committee determined that your fitness to practise is not currently impaired by reason of your adverse health of [PRIVATE] on both grounds of public protection and public interest.

Conviction

45. The Committee went on to consider whether your fitness to practise is currently impaired by reason of your conviction.

46. Not every conviction will automatically result in a finding of current impairment. The nature seriousness and circumstances of the conviction, are relevant factors in determining the question of current impairment on this statutory ground.

47. You have been convicted of a driving related offence, namely failing to provide a specimen of breath. You stated you are extremely ashamed of your past behaviour as you had put yourself and others in a very serious situation, and with hindsight you are grateful that no one was harmed.

48. The Committee noted this matter occurred over 4 years ago and here has been no repetition of this type of behaviour. Despite your earlier conviction in 2008, the Committee have noted that you have made positive life changes [PRIVATE]. The Committee considers that the risk of repetition of this type of behaviour is low. Therefore, the Committee considers that a finding of impairment is not required on the grounds of public protection.

49. However, in respect of public interest, the Committee is satisfied that a finding of impairment is required to maintain public confidence in the profession. It is satisfied that a finding of impairment is necessary and appropriate given the seriousness of your conviction. By driving whilst under the influence of alcohol and then failing to provide the required breath specimen, your conduct brought the dental profession into disrepute.
50. In all the circumstances, the Committee was satisfied that an informed member of the public would expect a finding of impairment in the particular circumstances regarding your conviction.
51. Accordingly, the Committee determined that your fitness to practise is currently impaired by reason of your conviction on the grounds of public interest only.

Misconduct

52. The Committee next considered whether your fitness to practise is currently impaired by reason of misconduct. You have provided detailed and comprehensive written reflections into your past dishonest behaviour. You have attended targeted CPD courses such as ethics and probity and have reflected fully on these. In particular, the course tutor for the 1 to 1 full day training course on ethics and honesty stated *"Dr Luniya was engaged throughout the course and participated enthusiastically in the exercises and discussion. He completed an 'honesty test consisting of 22 real-life truth-telling scenarios [PRIVATE] and he obtained the maximum score of 44/44, which is rare. This score suggests sound knowledge of what honesty requires in a range of clinical and non-clinical scenarios"*. The Committee notes that you stated that you are deeply ashamed of your past behaviour. In oral evidence, you have accepted that your conduct was dishonest and you stated you were frightened of the consequences and were too scared to tell the GDC of this conviction. You stated you deeply regret not doing so and you were clear you were duty bound to do so at that time. [PRIVATE].
53. [PRIVATE].
54. The Committee is satisfied that whilst you have behaved dishonestly, you have demonstrated an appropriate level of insight and remediation into your past dishonest conduct. The Committee is satisfied that in all the circumstances your dishonest conduct is unlikely to be repeated.
55. The Committee has determined that your fitness to practise is not currently impaired by reason of your misconduct in respect of public protection.
56. However, in respect of public confidence in the profession and this regulatory process, the Committee is satisfied that a finding of impairment is necessary and appropriate given the seriousness of your dishonest misconduct. The public expects all dental professionals to act in a way both at work and in their private life which justifies the trust that patients place in them and the dental profession at large. You have acted in a way that has led to the GDC being unaware of your previous conviction, which is clearly a serious matter, and conduct that is inconsistent with the standards expected of those on the Register.
57. Accordingly, the Committee determined that your fitness to practise is currently impaired by reason of your misconduct on the grounds of public interest only.

Sanction

58. The Committee then determined what sanction, if any, is appropriate in light of the findings of misconduct and current impairment due to conviction, health and misconduct. The Committee recognises that the purpose of a sanction is not to be punitive, although it may have such an effect, but is instead imposed to protect patients and safeguard the wider public interests mentioned above.
59. In reaching its decision the Committee has kept in mind the GDC's *Guidance for the Practice Committees*, (6 January 2026). The Committee has applied the principle of proportionality, balancing the public interest with your own interests.

60. The Committee considered each sanction in ascending order of severity.

61. The Committee considered the mitigating and aggravating factors in this case.

62. The mitigating factors in this case.

- Evidence of remorse, insight and apology;
- Extensive remedial action taken;
- Personal factors [PRIVATE]; and
- Positive testimonials.

62. The aggravating factors in this case include:

- Risk of harm to the public resulting from your failure to immediately inform the GDC of your conviction;
- Adverse fitness to practise history;
- Blatant and wilful disregard of your regulatory body.

63. To conclude this case with no further action or a reprimand would be wholly inappropriate, owing to the seriousness of your misconduct, which included a finding of dishonesty, and the risk to patient safety should you be allowed to resume practice without restriction.

64. The Committee next considered whether to impose conditions on your registration. It reminded itself that conditions must be proportionate and measurable.

65. The Committee considers they could form conditions that could protect the public. However, when looking at the wider public interest, the Committee asked itself whether the circumstances required a more serious sanction.

66. The Committee considered whether to suspend your registration for a specified period. In doing so it had regard to paragraph 277 of the Guidance which deals with suspension. That paragraph states;

“Suspension may be appropriate when all, or some, of the following factors are present: a.

There is evidence of repetition of the behaviour.

b. The registrant has not shown insight into the issues which led to a finding of current impairment being made, and/or poses a significant risk of repeating the behaviour.

c. A lesser sanction would be insufficient to meet the public interest.

d. There is no evidence of harmful deep-seated personality or professional attitudinal problems (which might make erasure the appropriate order)”.

67. The Committee considered that point C is potentially engaged in this case. It also took into account the guidance and in particular paragraphs 82-85, which states:

“...Dental professionals are required to inform the GDC immediately if they are subject to criminal proceedings or a regulatory finding is made against them anywhere in the world. GDC guidance sets out the circumstances in which registrants must inform the GDC of criminal proceedings or regulatory findings.

Failure to inform the GDC immediately of criminal proceedings or a regulatory finding is a serious matter. That is because failure to declare information about criminal proceedings or regulatory findings deprives the Registrar of the ability to consider the impact of those proceedings on the registrant's fitness to practise, and whether any action (including on an interim basis) needs to be taken to protect the public or the wider public interest. As a result, failure to declare criminal or regulatory proceedings has the potential to undermine the integrity of the register.

In addition, depending on the circumstances, a registrant may gain an advantage from failure to inform the GDC of criminal or regulatory proceedings. In those circumstances, such a failure may also give rise to allegations of misconduct, such as dishonesty or a lack

of integrity on part of the registrant, which would further raise the seriousness of the misconduct.

A finding that a registrant dishonestly failed to inform the GDC of criminal or regulatory findings is likely to call into question that registrant's suitability to remain on the register..."

68. At paragraphs 35 and 36 of Appendix 1 of the Guidance it is stated

"...It is a fundamental requirement under the Standards that registrants are honest. Honesty is of key importance in protecting the public and promoting and maintaining public confidence in the professions.

As a result, findings of dishonesty against a registrant are at the higher end of the scale of seriousness, even where it has not involved harm to patients, and even if it is unlikely to be repeated..."

69. The Committee has also borne in mind that you have brought the profession into disrepute by the circumstances of your conviction and that you were convicted of a similar offence in 2007.

70. However, the Committee recognised that at the time of your misconduct and conviction, you **[PRIVATE]** were experiencing real and very challenging personal and professional difficulties. The Committee further noted that you have demonstrated a deep level of insight into your previous dishonest misconduct and conviction and provided convincing evidence of extensive remediation. The Committee further notes that you have shown full remorse and apologised for all of your previous conduct and conviction.

71. The Committee had regard to paragraph 282 of the Guidance and noted that some of the factors for directing erasure were also present in this case.

72. The Committee concluded that a sanction of suspension is the appropriate outcome in relation to your specific circumstances as outlined above. A sanction of suspension reflects and marks the seriousness of your conduct, while giving due weight to the context and circumstances of your misconduct and conviction. Such a sanction meets the demands of the overarching objective in this case. The Committee therefore determined to impose a sanction of suspension.

73. When considering the length of suspension necessary, (with particular reference to paragraph 273-275 of the guidance) it paid particular regard to the overarching objective, the seriousness of the findings and the mitigating and aggravating factors. It also took into account your previous periods of interim suspension.

74. The Committee concluded that considerable weight should be given to the mitigating factors despite the seriousness of your conduct. In all the circumstances, a period of 3 months is sufficient to mark the seriousness of your conduct and satisfies the demands of the wider public interest, so as to maintain public confidence in the profession and to declare and uphold proper standards in the profession.

75. The Committee also directed that there be a review of your case. This means that a Committee will review your case at a hearing to be held shortly before the end of the period of suspension. That Committee will consider what action to take in relation to your registration.

76. Unless you exercise your right of appeal, the 3-month suspension order, will take effect 28 days from the date when notice is deemed to have been served upon you.

77. The Committee now invites submissions from both parties, as to whether an immediate order of suspension should be imposed on your registration to cover the 28-day appeal period, pending its substantive direction for suspension taking effect.

Decision on immediate order

78. The Committee considered whether to impose an immediate order of suspension on your registration to cover the 28-day appeal period, pending the substantive direction for suspension taking effect.
79. Ms Girven applied for the imposition of an immediate order of suspension on your registration, for the same reasons set out in the Committee's substantive determination, particularly on the grounds of the public interest.
80. Mr Cridland stated that he opposes the application and the circumstances of this case fall short of the statutory test for an immediate order. He submitted that the issue for this Committee is whether the public interest renders the necessity of an interim order of suspension, and this is not such a case.
81. Having heard from both parties, the Committee accepted the advice of the Legal Adviser, who drew its attention to the statutory test for immediate orders and the relevant paragraphs of the Guidance.
82. The Committee notes that you are currently under interim conditions of practice order with no concerns. The Committee having found there is no public protection issues in relation to misconduct and conviction, is satisfied that that is not necessary in the public interest that your registration be immediately suspended. The Committee concluded that the 3 months suspension was sufficient to mark the public interest in this case. In addition, it considers that public confidence would not be undermined or damaged if no immediate order was imposed today. It is common ground that the revocation of the interim order does not take effect until the expiry of the 28 day appeal period, and that were you to appeal, it would continue in place until disposal of any appeal.
83. The Committee therefore rejects the GDC's application for an immediate order on your registration.
84. That concludes the hearing today.