

PUBLIC HEARING**Professional Conduct Committee
Initial Hearing****9 to 11 April 2025**

Name: ALLEN, Alesia Ann
Registration number: 120529
Case number: CAS-207851-L8N8V4

General Dental Council: Ashley Hendron, Counsel
Instructed by Carly Smith, IHLPS

Registrant: Not Present
Unrepresented

Fitness to practise: Impaired by reason of conviction

Outcome: Suspension (with a review)

Duration: 12 Months

Immediate order: Immediate suspension order

Committee members: Carson Black (Chair, Dentist Member)
Jane Jones (Lay Member)
Louise Fletcher (Dental Care Professional Member)

Legal Adviser: Richard Ferry-Swainson

Committee Secretary: Lola Bird

Alesia Ann ALLEN, a dental nurse, NVQ L3 Oral Health Care: Dental Nursing & Independent Assessment NEBDN 2006 is summoned to appear before the Professional Conduct Committee on 9 April for an inquiry into the following charge:

The charge (as amended):

“That being a registered dental nurse:

1. On 3 January 2023, you were charged with the following alleged criminal offences:
 - a. Racially Aggravated intentional Harassment, Alarm and Distress contrary to section 31(1)(b) of the Crime and Disorder Act 1988
 - b. Criminal Damage contrary to section 1(a) of the Criminal Damage Act 1971
 - c. Assault by beating contrary to section 39(1) of the Criminal Justice Act 1988
2. You failed to immediately inform the General Dental Council that you had been charged with the alleged offences, as set out at 1.
3. On 9 February 2023, you were convicted at the Chelmsford Magistrate’s Court of Racially Aggravated intentional harassment, alarm and distress as set out at 1a.
4. You failed to immediately inform the General Dental Council that you had been convicted of the offence as set out at 3.
5. On 17 April 2023, you were convicted at the Chelmsford Magistrate’s Court of Criminal Damage as set out at 1b.
6. Your actions in relation to charges 2 and 4 were misleading

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

1. This is a Professional Conduct Committee hearing in respect of a case brought against Mrs Allen by the General Dental Council (GDC). The case relates to the criminal charges Mrs Allen faced in January 2023, her subsequent convictions in February 2023 and April 2023, and her alleged failure to immediately inform the GDC of the initial criminal charges and of her conviction in February 2023.

2. This hearing commenced on 9 April 2025 and is being conducted remotely by Microsoft Teams video-link.

3. Mrs Allen is neither present nor represented at these proceedings. The Case Presenter for the GDC is Mr Ashley Hendron, Counsel.

Decisions on preliminary applications – 9 April 2025

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

4. At the outset, Mr Hendron made an application under Rule 54 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the GDC Rules'), to proceed with the hearing notwithstanding Mrs Allen's absence.

5. Mr Hendron submitted that proof of service is set out in the documentation before the Committee. He highlighted that in addition to the formal notification of this hearing, which was sent to Mrs Allen on 5 March 2025, a follow-up email was sent to her on 1 April 2025 with no response. Mr Hendron further told the Committee of the efforts made by the Dental Professionals Hearings Service shortly before the start of the hearing to contact Mrs Allen, also with no response. In the circumstances, it was Mr Hendron's submission that the hearing should proceed in Mrs Allen's absence.

6. The Committee had regard to Mr Hendron's submissions and the supporting documentation provided. It accepted the advice of the Legal Adviser in relation to the matters of service and proceeding with a hearing in the absence of a registrant.

Decision on service

7. The Committee first considered whether notice of the hearing had been served on Mrs Allen in accordance with Rules 13 and 65, and Section 50A of the *Dentists Act 1984 (as amended)* ('the Act').

8. The Committee had sight of the Notice of Hearing dated 5 March 2025 ('the notice'), which was sent to Mrs Allen's registered address by Special Delivery and First-Class post. A copy was also sent to her by email.

9. The Committee took into account that there is no requirement within the Rules for the GDC to prove receipt of the notice, only that it was sent. However, the Committee had before it information from the Royal Mail 'Track and Trace' system, which confirmed that the copy of the notice sent by Special Delivery was delivered on 6 March 2025 and signed for in the printed name of 'ALLEN'.

10. The Committee was satisfied that the notice sent to Mrs Allen complied with the 28-day notice period required by 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 Mrs Allen's absence.

11. On the basis of all the information provided, the Committee was satisfied that Mrs Allen was notified of the hearing in accordance with the Rules and the Act.

Decision on whether to proceed in the absence of the registrant

12. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mrs Allen. It approached this issue with the utmost care and caution. The Committee took into account 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.

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

14. The Committee was satisfied that all reasonable efforts had been made by the GDC to notify Mrs Allen of this hearing. It took into account that the notice of 5 March 2025 was received at her registered address. A copy was also sent to her by email. In addition, the Committee noted that on 1 April 2025, the GDC's solicitor sent a follow-up email to Mrs Allen asking her to confirm whether she would be attending this hearing. There has been no response from Mrs Allen to that email or to the notice of 5 March 2025.

15. The Committee also took into account that emails were sent to Mrs Allen, including shortly before the start of this hearing, by the Dental Professionals Hearings Service, with no reply.

16. Accordingly, there is no information before the Committee regarding the reason for Mrs Allen's non-attendance. She has not requested an adjournment, and there has been no indication that deferring these proceedings would secure her attendance on a future date. In all the circumstances, the Committee was satisfied that Mrs Allen has voluntarily absented herself. It therefore considered that adjourning the hearing would serve no meaningful purpose.

17. As a registered dental professional, Mrs Allen is under a duty to engage with her regulatory body. The allegations in this case are serious and date back to 2023. The Committee considered that without good reason for deferring the matters, the hearing should proceed as scheduled. The Committee was satisfied that it was fair and in the public interest to proceed with the hearing in Mrs Allen's absence.

Decision on application to amend the charge

18. Mr Hendron next made an application under Rule 18 to amend the charge. He told the Committee that the concluding line of the charge had originally read:

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

19. Given that this case also concerns Mrs Allen's convictions, Mr Hendron applied to amend the charge, so that the concluding line would read:

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

20. The Committee accepted the advice of the Legal Adviser. In reaching its decision on the proposed amendment, it noted that there was evidence before it in relation to Mrs Allen's convictions. It also took into account that she was notified of the proposed change to the charge on 5 March 2025 in the Notice of Hearing and was given an opportunity to respond. She has not done so. Having had regard to the merits of the case and the fairness of the proceedings, the Committee was satisfied that the proposed amendment could be made without injustice.

Decision on application to admit hearsay evidence

21. Mr Hendron's final preliminary application was to admit hearsay evidence in the form of two witness statements (with associated exhibits), provided by the GDC witnesses in this case. Both witnesses are employees of the GDC. One of the witnesses is a Fitness to Practice Caseworker, whose witness statement is dated 24 October 2024. The other witness is a Registration Manager, whose witness statement is dated 29 November 2024.

22. Mr Hendron submitted that neither of the GDC witnesses gives direct evidence in relation to the matters that led to the criminal proceedings against Mrs Allen. He submitted that the purpose of their witness statements is to produce documents that have either been provided by Mrs Allen to the GDC or have been verified by the Council.

23. The Committee took account of Mr Hendron's submissions and it accepted the advice of the Legal Adviser.

24. The Committee had regard to its discretion under Rule 57 in relation to the admission of evidence. It considered that the witness statements and the exhibits produced by the two GDC witnesses were relevant to its considerations and would be of assistance in reaching its factual findings. The Committee concluded that it would be helpful and in the interests of justice for the hearsay evidence to be admitted. Accordingly, it granted Mr Hendron's application.

Summary of the case background and evidence

25. Mrs Allen is a registered dental nurse. The matters in this case arise from her self-referral to the GDC on 18 April 2023, in which she notified the Council that she had been found guilty in a court of law of "*Criminal damage*" and "*Public order*".

26. In response to a request for further information regarding her self-referral, Mrs Allen provided the GDC with a number of documents, including a 'Notice of Criminal Charge' dated 3 January 2023, and a letter from her solicitor dated 19 April 2023. The letter had been sent to her regarding the outcome of her trial at Chelmsford Magistrates Court on 17 April 2023.

27. With reference to the documentation before the Committee, Mr Hendron outlined the chronology of the criminal matters. It was at the trial on 17 April 2023 that Mrs Allen, having denied the offence, was found guilty and convicted of Criminal Damage. Mrs Allen had previously pleaded guilty to Racially Aggravated intentional Harassment, Alarm and Distress and had been convicted of that offence at Chelmsford Magistrates Court on 9 February 2023. She was sentenced for that offence, and for the offence of Criminal Damage, following the conclusion of the trial on 17 April 2023.

28. The third alleged criminal offence of Assault by beating was dismissed by the Court on 17 April 2023.

29. Mr Hendron referred the Committee to the Certificates of Conviction obtained by the GDC in respect of Mrs Allen's offences of Racially Aggravated intentional Harassment, Alarm and Distress and Criminal Damage. It was noted that she was sentenced on 17 April 2023 to a £180 fine, and was ordered to pay compensation of £2,928, Court costs of £300 and a victim surcharge of £72.

30. In relation to the circumstances of Mrs Allen's criminal offences, Mr Hendron drew the Committee's attention to the police report provided to the Council setting out the key evidence.

31. In summary, both of Mrs Allen's convictions related to a single incident which took place on 3 July 2022. At around 18.50 on that day, Mrs Allen had attended the victim's address and caused damage to the back door, *"kicking the door around 10 times"*. Having not located the victim, Mrs Allen attended the front access to the property where she tried to get the victim's attention by calling for them to come outside, and kicking the front door of the property, causing a dent and scuff marks. The victim inside the address feared violence and did not grant Mrs Allen access. Mrs Allen reached her arm into the address and pulled down the blinds that were attached to the window, causing them to be broken beyond repair.

32. Two police officers attended the location and Mrs Allen was recorded on body-worn camera footage. She was heard using racially aggravated language towards the victim by one of the police officers. At 19.10 on 3 July 2022, Mrs Allen was arrested *"on suspicion of racially aggravated public order"* and was taken to a police station.

33. In her police interview on 4 July 2022, Mrs Allen provided her account in respect of the incident. She stated that the victim had gone into her back garden and tried to open her back door, leading to her children being scared. Mrs Allen had not been at home at the time. She stated that the victim had asked her to come to their address but then would not open their door. She described herself as being *"really angry"* because of that. Mrs Allen also admitted during her police interview that she may have *"got the wrong person in regards to who entered her garden"*. Mrs Allen said she believed a normal person would act in that manner because she was angry and because of her trying to protect her children.

34. In relation to the racially aggravated language used towards the victim, Mrs Allen stated that she was angry. She agreed that the language would be seen as abusive. She said that she did not know that she had damaged the victim's window blinds. She did not deny pulling them, but considered from the photographic evidence shown to her, that the blinds had been *"made worse since"*. Mrs Allen also denied any damage to the doors of the victim's property, given that she had been wearing flip-flops.

35. Having outlined the GDC's evidence, Mr Hendron submitted that, in light of the Certificates of Conviction, the Committee could be satisfied, on the balance of probabilities, of the conviction matters.

36. In relation to Mrs Allen's self-referral to the GDC on 18 April 2023, Mr Hendron submitted that the matter for the Committee was whether she had complied with the requirement for immediate disclosure to her regulatory body. In this regard, he referred the Committee to the GDC '*Standards for the Dental Team*' (September 2013) ('the GDC Standards'), specifically Standard 9.3 and the guidance at paragraph 9.3.1, which state as follows:

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.

9.3.1 *You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information.*

37. Mr Hendron submitted that it was the GDC's case that Mrs Allen did fail in her duty to immediately inform the GDC of her criminal charges from January 2023 and of her conviction of 9 February 2023. Further, that her conduct in these regards was misleading, given that from 3 January 2023 until her self-referral on 18 April 2023, the GDC remained unaware that Mrs Allen was subject to criminal proceedings.

FINDINGS OF FACT – 10 April 2025

38. The Committee considered all the evidence presented to it, which was solely documentary. It took account of the submissions made by Mr Hendron in relation to the alleged facts. The Committee accepted the advice of the Legal Adviser.

39. The Committee considered each of the allegations 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 proved on the balance of probabilities.

40. The Committee's findings are as follows:

1.	<i>On 3 January 2023, you were charged with the following alleged criminal offences:</i>
1(a).	<i>Racially Aggravated intentional Harassment, Alarm and Distress contrary to section 31(1)(b) of the Crime and Disorder Act 1988.</i> Found proved.
1(b).	<i>Criminal Damage contrary to section 1(a) of the Criminal Damage Act 1971.</i> Found proved.
1(c).	<i>Assault by beating contrary to section 39(1) of the Criminal Justice Act 1988.</i> Found proved. The Committee found 1(a), 1(b) and 1(c) proved on the basis of the same evidence. It had before it a copy of Mrs Allen's 'Notice of Criminal Charge' dated 3 January 2023. Whilst the Committee noted that the details of the then charges

	<p>are not included on that document, it took into account that the Court proceedings Mrs Allen went on to face were in respect of the offences of Racially Aggravated intentional Harassment, Alarm and Distress, Criminal Damage and Assault by beating, with the assault charge eventually dismissed.</p> <p>Having taken into account all the evidence, the Committee was satisfied on the balance of probabilities that the matters at 1(a), 1(b) and 1(c) above are proved.</p>
2.	<p><i>You failed to immediately inform the General Dental Council that you had been charged with the alleged offences, as set out at 1.</i></p> <p>Found proved.</p> <p>The Committee noted that the word “<i>failed</i>”, as included in this allegation implies that Mrs Allen had a duty to immediately inform the GDC that she had been charged with the then alleged offences set out at 1 above.</p> <p>In deciding whether Mrs Allen had such a duty, the Committee considered the GDC Standards, including the following introductory paragraphs:</p> <p><i>“You have an individual responsibility to behave professionally and follow these principles at all times.</i></p> <p><i>The standards set out what you must do...</i></p> <p><i>The guidance is there to help you to meet the standards. You are expected to follow the guidance, to use your professional judgment, demonstrate insight at all times and be able to justify any decision that is not in line with the guidance...”</i></p> <p>Standard 9.3 of the GDC Standards states that:</p> <p><i>You must inform the GDC if you are subject to criminal proceedings or a regulatory finding is made against you, anywhere in the world.</i></p> <p>The guidance to Standard 9.3 under paragraph 9.3.1 clearly states that:</p> <p><i>You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information.</i></p> <p>The Committee was satisfied, having considered Standard 9.3 and the guidance at 9.3.1, that Mrs Allen did have a duty to immediately inform the GDC of the criminal charges that she faced in January 2023. The Committee was also satisfied on the basis of the evidence that Mrs Allen failed to discharge that duty. The evidence is that the first time she notified the GDC of the criminal matters in this case was in her self-referral of 18 April 2023, the day after her second conviction. This was some three months after she was first charged. The Committee was satisfied that this was not an immediate notification to the GDC. Accordingly, this allegation at 2 is proved on the balance of probabilities.</p>
3.	<p><i>On 9 February 2023, you were convicted at the Chelmsford Magistrate’s Court of Racially Aggravated intentional harassment, alarm and distress as set out at 1a.</i></p>

	<p>Found proved.</p> <p>Rule 57(5) of the GDC Rules states that:</p> <p><i>“Where a respondent has been convicted of a criminal offence—</i></p> <p><i>(a) a copy of the certificate of conviction, certified by a competent officer of a court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and</i></p> <p><i>(b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts”.</i></p> <p>The Committee was provided with a copy of the Certificate of Conviction confirming that on 9 February 2023, following a guilty plea, Mrs Allen was convicted of Racially Aggravated intentional Harassment, Alarm and Distress contrary to section 31(1)(b) of the Crime and Disorder Act 1988. The Committee was therefore satisfied that this allegation at 3 is proved.</p>
4.	<p><i>You failed to immediately inform the General Dental Council that you had been convicted of the offence as set out at 3.</i></p> <p>Found proved.</p> <p>The Committee found this allegation proved for the same reasons given at 2 above. The evidence is that the first time Mrs Allen notified the GDC of the criminal matters in this case was in her self-referral of 18 April 2023, the day after her second conviction. This was some two months after she had been convicted in February 2023 of Racially Aggravated intentional Harassment, Alarm and Distress. The Committee was satisfied that this was not an immediate notification to the GDC. Accordingly, this allegation at 4 is proved on the balance of probabilities.</p>
5.	<p><i>On 17 April 2023, you were convicted at the Chelmsford Magistrate’s Court of Criminal Damage as set out at 1b.</i></p> <p>Found proved.</p> <p>The Committee was provided with a copy of the Certificate of Conviction confirming that on 17 April 2023, Mrs Allen was convicted of Criminal Damage contrary to section 1(a) of the Criminal Damage Act 1971. The Committee was therefore satisfied that this allegation at 5 is proved.</p>
6.	<p><i>Your actions in relation to charges 2 and 4 were misleading.</i></p> <p>Found proved in relation to charges 2 and 4.</p> <p>The Committee was satisfied that Mrs Allen’s failure in her duty to immediately inform the GDC of the criminal charges that she faced in January 2023, and her failure to immediately inform the GDC when she was convicted of a criminal offence in February 2023, was misleading. Mrs Allen’s failure to immediately report the matters resulted in the GDC being unaware for a period of time that there were criminal proceedings against her. The Committee also considered that Mrs Allen’s failures could have caused members of the public to be misled. In the absence of</p>

any information held by the GDC in relation to the criminal proceedings against her, it would have appeared that there were no concerns about Mrs Allen as a registered dental professional. The Committee found Mrs Allen's conduct objectively misleading for these reasons.

However, in considering the matter of misleading conduct, the Committee took into account that there is no evidence before it to indicate any intentional acts by Mrs Allen. In fact, the Committee noted that she referred herself to the GDC immediately after the conclusion of the court proceedings on 17 April 2023, which is when she was sentenced in respect of both of her convictions. The Committee inferred from this, that there was no apparent element of her trying to intentionally mislead the GDC.

41. The hearing now moves to Stage Two.

Stage Two of the hearing – 10 to 11 April 2025

42. The Committee's considerations at this stage have been whether the facts found proved in relation to Mrs Allen's failure to immediately inform the GDC of the criminal charges she faced in January 2023, and of her first conviction in February 2023, amount to misconduct. If so, whether her fitness to practise is currently impaired by reason of that misconduct and/or her convictions. The Committee noted that if it found current impairment on one or both of the statutory grounds of misconduct or conviction, it would need to consider what sanction, if any, to impose on Mrs Allen's registration.

43. In reaching its decisions, the Committee considered all the evidence placed before 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 Hendron in relation to misconduct, current impairment and sanction.

44. The Committee accepted the advice of the Legal Adviser in relation to all matters. 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 facts found proved

45. The facts found proved in this case relate to three criminal charges that Mrs Allen faced in January 2023, and her subsequent convictions in respect of two of those criminal offences. On 9 February 2023, following a guilty plea, Mrs Allen was convicted of Racially Aggravated intentional Harassment, Alarm and Distress. She was found guilty and convicted of Criminal Damage on 17 April 2023. Mrs Allen was sentenced in respect of both convictions on 17 April 2023. The third criminal charge that Mrs Allen had faced was dismissed.

46. In addition to the criminal matters, the Committee made findings that Mrs Allen failed in her professional duty to immediately inform the GDC of her criminal charges and of her first conviction. The Committee found that Mrs Allen's conduct in this regard was misleading, in that it gave the GDC, and potentially members of the public, the impression that there were no concerns about her as a registered dental professional. Whilst the Committee was satisfied that Mrs Allen's actions in this

regard were objectively misleading, it noted that there is no evidence that Mrs Allen intentionally misled the GDC.

Summary of the submissions made by the GDC – 10 April 2025

47. It was Mr Hendron's submission that the facts found proved in relation to Mrs Allen's failures to immediately notify the GDC of her criminal charges and first conviction amount to misconduct. He also submitted, in light of the Committee's overall findings, that Mrs Allen's fitness to practise is currently impaired.

48. Mr Hendron stated that it is Mrs Allen's convictions that are of most concern to the GDC, particularly her conviction for Racially Aggravated intentional Harassment, Alarm and Distress. Whilst he noted that the incident that led to the convictions occurred some time ago, he submitted that they were serious, aggravated public order offences, into which Mrs Allen has shown a lack of insight. It was Mr Hendron's submission that when Mrs Allen was engaging with the GDC, following her self-referral, she did nothing more than admit to the incident of 3 July 2022 and express her regret for it, without saying anything else regarding her conduct. Mr Hendron submitted that Mrs Allen's lack of insight into her behaviour towards the victim is an ongoing cause for concern.

49. In relation to sanction, Mr Hendron invited the Committee to consider the erasure of Mrs Allen's name from the Register for Dental Care Professionals ('the Register'). He submitted that her convictions are the gravamen of this case, specifically the racially aggravated offence. Mr Hendron asked the Committee to have regard to the judgment in the case of *Professional Standards Authority for Health and Social Care v Health and Care Professions Council, Andrew Roberts* [2020] EWHC 1906 (Admin) ('*Roberts*'). In doing so, Mr Hendron acknowledged that there was a distinction between the case of *Roberts* and Mrs Allen's case, given that the racially aggravated conduct in *Roberts* occurred during the course of professional duties. However, Mr Hendron submitted that the Committee should have regard to the public interest when reaching its decision, including whether a message should be sent that any sanction in circumstances of racially aggravated behaviour needs to be a serious one.

Decision on misconduct – 11 April 2025

50. The Committee considered whether the facts found proved in relation to Mrs Allen's failure to immediately inform the GDC of her criminal charges and of her first conviction 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.

51. The Committee took into account its findings that Mrs Allen failed to meet her professional obligations under Standard 9.3 of the GDC Standards and the accompanying guidance at paragraph 9.3.1 which set out the requirements for reporting criminal proceedings to the GDC. She did not immediately inform the GDC of her criminal charges and of her first conviction, as she was required to do, and this was misleading for the reasons already given.

52. In assessing the seriousness of Mrs Allen's breach of Standard 9.3 and the relevant guidance, the Committee took into account that there is no evidence to suggest that her omissions were intentional. It further took into account the circumstances in which her failures occurred. The

Committee noted that Mrs Allen had been subject to three criminal allegations in January 2023. She was convicted of one of those matters in February 2023 following a guilty plea, namely the offence of Racially Aggravated intentional Harassment, Alarm and Distress. The Court proceedings were then adjourned until the consideration of the remaining two matters in April 2023, which was when Mrs Allen received the second conviction for Criminal Damage, the third matter was dismissed, and the Court proceedings were then concluded. Immediately following the conclusion of the Court proceedings and sentencing, Mrs Allen referred herself to the GDC.

53. It was the view of the Committee that, as a registered dental nurse, Mrs Allen should have been aware of her duty to immediately report matters to GDC at the relevant junctures in January 2023 and February 2023, rather than wait until the completion of the criminal proceedings as she did. However, on the basis that there is no evidence that Mrs Allen set out to intentionally mislead the GDC, the Committee could not rule out the possibility that her failure to immediately notify the GDC arose out of carelessness and/or negligence. The Committee also noted that Standard 9.3 does not in fact make any reference to the time period within which such notification should be made and it is only when one turns to the guidance that the term “*immediately*” is used. Although the Committee considered Mrs Allen’s failure to be a departure from the expected standards, in reaching its decision the Committee remained mindful that acts of carelessness and mere negligence rarely cross the threshold for a finding of misconduct.

54. In all the circumstances, the Committee was not satisfied that Mrs Allen’s failure to immediately inform the GDC of her criminal charges in January 2023 and of her conviction in February 2023 amount to misconduct.

55. As the Committee did not find misconduct in this case, it went on to consider the issue of current impairment only in relation to Mrs Allen’s convictions.

Decision on current impairment in relation to the convictions – 11 April 2025

56. In considering whether Mrs Allen’s fitness to practise is currently impaired by reason of her convictions, the Committee had regard to the over-arching objective of the GDC. This 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.

57. In 2023, Mrs Allen received convictions for Racially Aggravated intentional Harassment, Alarm and Distress and Criminal Damage. Both offences occurred during a single incident which took place on 3 July 2022. The Committee noted that Mrs Allen’s behaviour towards the victim persisted even after the police had arrived. It had regard to her explanation, as included in the police report, that she had acted in the way she did because she was angry having feared for the safety of her children. Whilst the Committee noted the circumstances of the incident and Mrs Allen’s belief regarding her family, it did not consider that this excused her conduct. Mrs Allen’s behaviour was wrong, inappropriate, and unbecoming of a registered professional.

58. The Committee took into account that behavioural concerns are more difficult to remedy, compared with concerns of a clinical nature. It considered that the matters in this case, although

serious, are capable of being remedied. It therefore considered whether there is any evidence before it of Mrs Allen's insight into what happened, or any remedial steps she has undertaken.

59. In terms of insight, the Committee noted that Mrs Allen admitted in her police interview that the language she had used towards the victim would be viewed as abusive. She also pleaded guilty at Court to the offence of Racially Aggravated intentional Harassment, Alarm and Distress. The Committee further noted that in correspondence with the GDC following her self-referral, Mrs Allen demonstrated a level of regret for some of her actions and an understanding that she should have acted differently. In an email to the Council dated, 20 April 2023, she stated that *"I am ashamed to say in this rage I lent into [their] open window, and unfortunately, this led to me ripping [their] blind.* In a further email to the GDC, dated 23 October 2023, Mrs Allen stated *"It shouldn't have happened and will never happen again. I was protecting my children but I went about it wrongly".*

60. Notwithstanding this, it appeared to the Committee that Mrs Allen's primary concern in her communications with the GDC was in relation to her career as a dental nurse. The Committee also considered that in some of her emails she attempted to diminish the seriousness of her behaviour. It noted that she stated in an email to the GDC dated 30 May 2023 that *"It looks so much worse on paper".* The Committee further noted Mrs Allen's attempt to deflect blame and that she had suggested that the Court proceedings had not been fair.

61. Mrs Allen ceased engaging with the GDC in or around October 2023, and she has not engaged at all with this fitness to practise process. Consequently, there is no evidence before the Committee in relation to her current level of insight. There is also no evidence of any remediation. There is little or no evidence to indicate that Mrs Allen acknowledges the impact of her behaviour on the victim and the bystanders to the incident, or that she has any understanding of the impact of her conduct on the reputation of the dental profession. Furthermore, the Committee has not received any evidence directly from her as to what she would do differently now in any moments of anger. It was of particular concern to the Committee that Mrs Allen stated in her police interview that she considered anyone would have acted as she did in the circumstances.

62. Given the limited evidence of insight and the absence of any evidence of remediation, the Committee concluded that there is a risk of repetition. In reaching its decision, the Committee took into account that Mrs Allen's criminal behaviour did not occur within the context of her professional practice. However, it was the view of the Committee that the nature and seriousness of her convictions could potentially pose a risk to patients. Mrs Allen's racially aggravated conduct and the criminal damage was conduct that occurred whilst she said she was in a *"rage"*. The Committee considered that without any evidence from her as to how she would prevent a recurrence, there is a risk that such behaviour could impact on her work as a dental professional. Accordingly, the Committee determined that a finding of impairment is necessary for the protection of the public.

63. The Committee also determined that a finding of impairment is in the wider public interest. In its judgement, Mrs Allen's behaviour brought the dental profession into disrepute. The Committee considered that she breached a fundamental tenet of the profession, namely Principle 9 of the GDC Standards, which requires all registered dental professionals to make sure that their personal behaviour maintains patients' confidence in them and in the dental profession. The Committee concluded that public confidence in the dental profession would be undermined if a finding of

impairment were not made in the circumstances of this case. It also considered that such a finding is required to uphold proper standards of conduct and behaviour.

64. The Committee therefore determined that Mrs Allen's fitness to practise is currently impaired by reason of her convictions.

Decision on sanction – 11 April 2025

65. The Committee next considered what sanction, if any, to impose on Mrs Allen's registration. It took into account that the purpose of a sanction is not to be punitive, although it may have that effect, but to protect the public and the wider public interest. In reaching its decision, the Committee had regard to the '*Guidance for the Practice Committees including Indicative Sanctions Guidance*' (October 2016; last revised in December 2020) ('the PC Guidance'). The Committee applied the principle of proportionality, balancing the public interest with Mrs Allen's own interests.

66. The Committee noted that it was open to it to conclude this case without taking any action in respect of Mrs Allen's registration. It decided, however, that such an outcome would not be appropriate or proportionate, given the serious nature of Mrs Allen's convictions, the identified risk of repetition and the wider public interest considerations.

67. In deciding on the appropriate sanction, the Committee considered the issue of mitigating and aggravating factors. In mitigation, it took into account the following:

- Evidence of the circumstances leading up to the incident in July 2022, in terms of Mrs Allen's belief that her children were under threat.
- Evidence of previous good character, having worked as a dental nurse for 21 years.
- The fact that the incident that led to the convictions was a single, isolated event.
- Time elapse since the incident.

68. In terms of aggravating factors, the Committee identified the following:

- Actual harm or risk of harm to another, in terms of the harassment, alarm and distress caused to the victim.
- Failure to fully co-operate with the GDC's investigation process since October 2023.
- Limited insight.

69. Taking all the above factors into account the Committee considered the available sanctions. It started with the least restrictive, as it is required to do.

70. The Committee first considered whether to issue Mrs Allen with a reprimand. Whilst it took into account that the sentence imposed by the Magistrates Court was at the very lower end of available sentences, the Committee bore in mind that its regulatory function is different from the Courts. The Committee had regard to the relevant factors for imposing a reprimand as set out in the PC Guidance at paragraph 6.9 and was not satisfied that such a sanction would protect the public and the wider public interest. The matters of which Mrs Allen was convicted are serious and the

Committee has identified a risk of repetition. The Committee decided that a reprimand would not be sufficient, appropriate or proportionate.

71. The Committee next considered whether to impose a conditions of practice order on Mrs Allen's registration. However, given that there are no clinical matters in this case, the Committee decided against conditional registration. It concluded that it could not currently formulate any workable conditions to address its ongoing concerns, which relate to Mrs Allen's attitude and behaviour, particularly in view of Mrs Allen's lack of engagement with this process. In addition, the Committee determined that a conditions of practice order would not protect the public or uphold the wider public interest.

72. The Committee went on to consider whether to suspend Mrs Allen's registration for a specified period. In doing so, it had regard to paragraph 6.28 of the PC Guidance, which states that:

"Suspension is appropriate for more serious cases and may be appropriate when all or some of the following factors are present (this list is not exhaustive):

- *there is evidence of repetition of the behaviour;*
- *the Registrant has not shown insight and/or poses a significant risk of repeating the behaviour;*
- *patients' interests would be insufficiently protected by a lesser sanction;*
- *public confidence in the profession would be insufficiently protected by a lesser sanction"*
- *there is no evidence of harmful deep-seated personality or professional attitudinal problems (which might make erasure the appropriate order)".*

73. In considering the above factors from paragraph 6.28 of the PC Guidance, the Committee took into account that Mrs Allen has demonstrated limited insight into her unlawful behaviour, and as such, there is a risk of repetition. The Committee was also satisfied that both the public, and public confidence in the dental profession, would be insufficiently protected by a lesser sanction than suspension. However, in deciding whether a suspension order would indeed be appropriate and proportionate in the circumstances of this case, the Committee carefully considered whether there is any evidence of Mrs Allen having harmful deep-seated personality or professional attitudinal problems, which could indicate that the highest sanction of erasure is more appropriate.

74. The Committee considered that there are concerns about Mrs Allen's attitude, given her apparent attempts to diminish the seriousness of her conduct, to deflect blame, and her initial comment to the police that she believed that others would have acted in the same way in the circumstances. However, the Committee did not view these matters as necessarily indicative of harmful deep-seated attitudinal problems, but rather Mrs Allen's failure to understand the gravity of her offences and their impact. In concluding that there is no definitive evidence of a harmful, deep-seated behaviour, the Committee noted the isolated nature of the incident on 3 July 2022, and the fact that Mrs Allen had no previous convictions or fitness to practise history over her 21-year career as a dental nurse. Furthermore, this behaviour occurred at a time when Mrs Allen believed, rightly or wrongly, that her young children were under threat. The Committee also took into account that she has demonstrated some insight into her wrongdoing, albeit to a limited extent. In all the

circumstances, the Committee concluded that the erasure of Mrs Allen's name from the Register would be disproportionate.

75. Accordingly, the Committee has determined to impose a suspension order on Mrs Allen's registration for a period of 12 months. The Committee considered that the maximum 12-month period would mark the seriousness of the conduct that led to Mrs Allen's convictions. It also considered that 12 months would afford Mrs Allen sufficient opportunity to re-engage with the GDC and to provide evidence demonstrating her increased insight and any remediation undertaken.

76. The Committee also directs a review. This means that a resumed hearing before the Professional Conduct Committee will be held shortly before the expiry of the 12-month period of suspension. That Committee will determine what further action to take in relation to Mrs Allen's registration. She will be informed of the date and time of that resumed hearing. The Committee would encourage Mrs Allen to attend that hearing.

77. This Committee considered that it might be helpful for the reviewing Committee to receive the following evidence from Mrs Allen:

- A written reflective piece demonstrating remorse and insight into her behaviour that resulted in her convictions, addressing the impact on the victim, the bystanders and the impact on the dental profession.
- Evidence of specific steps taken to address her racially aggravated conduct and the management of anger.
- Evidence of learning undertaken in relation to Principle 9 of the GDC Standards ("Make sure your personal behaviour maintains patients' confidence in you and the dental profession").
- Testimonials or character references.

78. Unless Mrs Allen exercises her right of appeal, her registration will be suspended for a period of 12 months, 28 days from the date that notice of this Committee's direction is served upon her.

79. The Committee now invites submissions from Mr Hendron, as to whether an immediate order of suspension should be imposed on Mrs Allen's registration, pending the taking effect of the Committee's substantive direction for suspension.

Decision on an immediate order – 11 April 2025

80. Mr Hendron confirmed to the Committee that he made no application for an immediate order to be imposed in the circumstances of this case.

81. The Legal Adviser advised the Committee that under Rule 22 of the GDC Rules, a decision on whether an immediate order should be imposed is a matter for the Committee, irrespective of whether any application is made.

82. It was the view of the Committee that an immediate order may be appropriate in this case, and it therefore invited advice from the Legal Adviser in relation to immediate orders. The Committee accepted that advice.

83. Having taken into account its substantive determination in this matter, the Committee determined that the imposition of an immediate order of suspension on Mrs Allen's registration is necessary for the protection of the public and is otherwise in the public interest.

84. The Committee has identified a risk of repetition, given Mrs Allen's limited insight into her actions leading to the convictions and the lack of any evidence of remediation. In view of this identified risk, the Committee considered that it would be inconsistent not to impose an immediate order for the protection of the public. It took into account that in the absence of an immediate order, Mrs Allen would be able to continue in unrestricted practice during the 28-day appeal period, or for longer, in the event of an appeal.

85. The Committee was also satisfied that an immediate order is required in the wider public interest, given the gravity of Mrs Allen's behaviour. It considered that immediate action is necessary to maintain public confidence in the dental profession and the regulatory process, and to uphold proper professional standards of conduct and behaviour.

86. The effect of the foregoing substantive determination and this order is that Mrs Allen's 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 will take effect 28 days from the date of deemed service.

87. Should Mrs Allen exercise her right of appeal, this immediate order will remain in place until the resolution of the appeal.

88. That concludes this determination.