

**PUBLIC HEARING****Professional Conduct Committee  
Initial Hearing****23 September 2024****Name:** ROSE, Lana Diane Margaret**Registration number:** 281696**Case number:** CAS-202414-X2X3X6

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**General Dental Council:** Sian Priory, counsel  
Instructed by Holly Watt of IHLPS**Registrant:** Not Present  
Unrepresented

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**Fitness to practise:** Impaired by reason of misconduct**Outcome:** Suspension (with a review)**Duration:** 12 months**Immediate order:** Immediate suspension order

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**Committee members:** Elizabeth Rantzen (Chair) (Lay)  
Rebecca Northover (Dentist)  
Chantelle Moodie (DCP)**Legal adviser:** Gerrard Coll**Committee Secretary:** Paul Carson

1. This is a hearing before the Professional Conduct Committee (the “Committee”) to consider allegations relating to Miss Rose’s alleged failure to cooperate with an investigation into her fitness to practise and failure to maintain an up-to-date registered address with the GDC.

*Service and absence*

2. Miss Rose was neither present nor represented at the hearing, which was conducted remotely using Microsoft Teams.
3. Ms Priory, on behalf of the General Dental Council (GDC), submitted that the notification of hearing had been served on Miss Rose in accordance with the requirements of the General Dental Council (Fitness to Practise) Rules 2006 (the “Rules”) and that the hearing should proceed, notwithstanding her absence.
4. The Committee accepted the advice of the Legal Adviser on the requirements of service and proceeding in the absence of a registrant.
5. The notification of hearing was sent to Miss Rose at her registered address on 1 August 2024 by both first-class post and Special Delivery. A link to download a copy of the notification of hearing was also sent to her by email on the same day. Royal Mail ‘Track and Trace’ records that the Special Delivery item was delivered on 2 August 2024, signed for under the name ‘ROSE’.
6. The Committee was satisfied that the notification of hearing contained the required information under Rule 13 of the Rules, including the time, date and (remote) venue of the hearing. It was unclear from the records available to the Committee whether Miss Rose is still contactable at her registered address. However, it was her professional responsibility to have ensured that her registered address was kept up-to-date with her regulatory body. The Committee was satisfied that the notification of hearing had been served on Miss Rose in accordance with the requirements of Rule 65 of the Rules by virtue of its being posted to her registered address.
7. The next consideration for the Committee was whether to proceed with the hearing in Miss Rose’s absence. This is a discretion which must be exercised with great care and caution.
8. The Committee was satisfied that the GDC had made all reasonable efforts to send notice of this hearing to Miss Rose, including by attempting to contact her by email and telephone regarding this hearing. The last record the Committee has of any communication from her was an email to the GDC on 13 January 2023 regarding her attendance at a hearing before the Interim Orders Committee (the “IOC”), in which she stated (as had previously been communicated by her in an earlier email) that she no longer lived at her registered address, which is her parents’ address, and that: “.../ *don’t have the time to attend a hearing and as stated don’t know when or if I will ever get back to dental nursing*”.
9. Given Miss Rose’s history of non-engagement, there was nothing to suggest to the Committee that adjourning the hearing today would make her attendance or engagement any more likely at a future date. Having regard to all the circumstances,

including the need for the expeditious disposal of proceedings, the Committee determined that it would be fair and in the public interest to proceed with the hearing, notwithstanding her absence.

*The factual inquiry*

10. The Committee heard evidence from the following GDC employees:

- Hannah Smith, Caseworker;
- Ameera Islam, Paralegal.

11. The Committee also received the witness statement and exhibits of Chelsea Norton, Registration Manager at the GDC. Ms Norton was unable to attend the hearing to give evidence as she was on leave. The Committee acceded to Ms Priory's application for Miss Norton's evidence to be admitted as hearsay. The Committee was satisfied that Miss Norton's witness statement was a production statement given during the course of her employment and which encompassed some of the documents also produced by Ms Smith and Ms Islam. The witness statement of Ms Norton was not the sole or decisive evidence in support of the charges and the Committee had not anticipated any questions of clarification for her. The Committee could not identify any unfairness to the parties in allowing her evidence to be admitted as hearsay. Accordingly, the Committee took her witness statement as read without requiring her to attend the hearing to swear the truth her statement.

12. The Committee had regard to the submissions made by Ms Priory.

13. The Committee accepted the advice of the Legal Adviser.

14. The burden is on the GDC to prove each allegation on the balance of probabilities.

*Findings*

15. Miss Rose first registered with the GDC as a dental nurse in February 2019. On 11 October 2022, the GDC wrote to her by email to explain that it had information to send to her and to ask her to confirm that the contact details which it held for her were correct. The email stated: "*Should we not receive a response from you by 13 October 2022 then we will proceed to send correspondence to your registered address above.*"
16. No response was received from Miss Rose and so, as forewarned in the email, the GDC wrote to her by recorded delivery post on 17 October 2022 using the registered address which it held on file for her. Royal Mail 'Track and Trace' records that the letter was delivered on 22 October 2022. The letter informed Miss Rose that the GDC was in the early stages of investigating a concern which had been raised about her. The letter requested that she provide information about her working arrangements and proof of indemnity. The letter explained that "*This information will be used to assess the concern we have received and to decide on whether to close the concern or take it further*" and asked that she provide the information "*as promptly as possible*" and in any event by 1 November 2022.

17. The detail of the concern which was being investigated by the GDC was not before today's Committee. This case does not relate to that concern but to Miss Rose's alleged failure to have cooperated with the GDC's corresponding investigation.
18. No response was received from Miss Rose to the GDC's letter of 17 October 2022, whether by 1 November 2022 or at all.
19. On 10 November 2022, the GDC wrote to Miss Rose by both email and Special Delivery post to inform her that it had not received any response from her and to extend the deadline for responding to 17 November 2022. The letter explained to Miss Rose that: *"We would like to make you aware that we will continue to consider the concerns further even if we do not hear from you. Our 'Standards for the Dental Team' makes clear that you should 'co-operate with any formal enquiry and give full and truthful information'."*
20. Miss Rose replied by email on 10 November 2022 to state: *"I'm not at that address anymore I thought it would of updated with yourselves when I changed it with my employer, I can't get the file to come up?"*.
21. The GDC responded by email later that day, to state:
- "I have re-attached a copy of the our [sic] correspondence. If you have any issues accessing this, please let me know.*
- I would be grateful if you can update your address on your eGDC account."*
22. No response was received from Miss Rose, neither is there any record of her updating her registered address.
23. On 6 December 2022, the GDC wrote to Miss Rose to state:
- "We wrote to you on 17 October 2022, 10 November 2022 and 22 November 2022 to tell you that we were looking into concerns we had received about you and to ask you to provide us with information.*
- We have not heard from you. It is important that you respond to our letter, a copy of which is enclosed.*
- What you need to do***
- Please send the information we asked for in the enclosed letter by **13 December 2022**. We would like to make you aware that we will continue to consider the concerns further even if we do not hear from you...*
- Should we not receive the requested information by 13 December 2022, please note we will consider raising an allegation of non-cooperation."*
24. No response was received from Miss Rose. There followed consideration of the case by the Case Examiners which has resulted in the referral to this Committee. To date, Miss Rose has not updated her registered address and the only further communication

received from her was her email on 13 January 2023 regarding her attendance at an IOC hearing.

25. I will now announce the Committee's findings of fact by reference to the charges.

1.	<p><i>From 13 October 2022, you failed to cooperate with the General Dental Council's investigation into your fitness to practise.</i></p> <p><b>Found proved.</b></p> <p>The Committee determined that Miss Rose was under a professional duty to cooperate with the GDC's investigation into her fitness to practise, as set out under standard 9.4.1 from the GDC's <i>Standards for the Dental Team</i> (September 2013):</p> <p><i>"If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter..."</i></p> <p>Miss Rose did not respond to the GDC's formal request for information relating to her working arrangements and for proof her indemnity, notwithstanding the repeated requests which were made of her for this important information and the extended deadlines which were given to her. Her only responses to the GDC's investigation were the two emails in which she stated she was no longer living at her registered address, but she did not provide the GDC with an updated address.</p> <p>Accordingly, the Committee found this charge proved.</p>
2.	<p><i>You have failed to maintain a correct and up to date registered address.</i></p> <p><b>Found proved.</b></p> <p>The Committee determined that Miss Rose, as with any other regulated professional, was under a fundamental professional duty to maintain an up-to-date registered address with her regulatory body so that it could correspond with her on important matters relating to her registration, including any investigation it was undertaking into her fitness to practise. Without having an up-to-date address, the ability of the regulator to exercise its regulatory functions becomes frustrated.</p> <p>On Miss Rose's own account in her two emails to the GDC, the registered address which she had provided was no longer correct or up-to-date. It was her professional obligation to update that address, but there is no record of her attempting to do so, despite being aware of the GDC's investigation into her fitness to practise, and the GDC's request that she update it using the eGDC record.</p> <p>Accordingly, the Committee found this charge proved.</p>

We move to Stage Two.

*Stage Two 13 September 2024*

26. From 13 October 2022 Miss Rose failed to cooperate with an investigation carried out into her fitness to practise by the GDC. She failed to respond to the GDC's repeated requests for information relating to her working arrangements and proof of her indemnity. She also failed to maintain a correct and up-to-date registered address. In email correspondence in December 2022 and January 2023, she informed the GDC that she had moved; however, she did not provide an updated address despite being asked to do so.
27. At this stage of the hearing, the Committee shall decide whether the facts found proved amount to misconduct and, if so, whether Miss Rose's fitness to practise as a dental nurse is currently impaired by reason of that misconduct. If the Committee finds current impairment, it shall then decide on what action, if any, to take in respect of her registration.
28. Ms Priory submitted that the facts found proved amount to misconduct and that Miss Rose's fitness to practise is currently impaired by reason of that misconduct. She submitted that the appropriate outcome in this case would be a period of suspension for 12 months with a review.

### *Decision*

29. The Committee accepted the advice of the Legal Adviser.
30. The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, last revised December 2020).
31. The Committee first considered whether the facts found proved amount to misconduct. Misconduct connotes a serious departure from the standards reasonably expected of a dental professional. In assessing whether the facts found proved amount to misconduct, the Committee had regard to the following principles from the GDC's *Standards for the Dental Team* (September 2013):
- 9.4: You must co-operate with any relevant formal or informal inquiry and give full and truthful information*
- 9.4.1 If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter...*
32. The Committee determined that Miss Rose's failure to have cooperated with the GDC's investigation into her fitness to practise represented a serious breach of fundamental professional standards. By not responding to the GDC's requests for information, she placed herself beyond its regulatory reach and undermined its ability to carry out its regulatory role and to ensure the integrity of its registers.
33. The Committee considered Miss Rose's non-cooperation to be attitudinal in nature rather than being the result of extenuating personal circumstances. Her two emails to the GDC in December 2022 and January 2023 show that she was capable of

responding to the GDC on her own terms and that she was aware of its attempts to contact her as part of its investigation into her fitness to practise. She chose not to engage with the GDC beyond indicating that she was no longer contactable at her registered address (without providing an updated address) and stating that she was too busy to attend to the GDC's correspondence. Her behaviour would be regarded as deplorable by fellow members of the profession and was capable of bringing the profession into disrepute.

34. Accordingly, the Committee determined that the facts found proved amount to misconduct.

### *Impairment*

35. The Committee considered whether Miss Rose's misconduct is remediable, whether it has been remedied and the risk of repetition. The Committee also had regard to the wider public interest, which includes the need to uphold and declare appropriate standards of conduct and behaviour.
36. The Committee determined that Miss Rose's misconduct is remediable but that there is no evidence whatsoever of any insight or remediation. She has not engaged in these proceedings and shows no evidence of insight or remorse. She had chosen not to cooperate with the GDC as part of its investigation into her fitness to practise. She was focused only on her own needs, preferences and interests, rather than on the role of the regulator to investigate the concerns which had been raised, to protect the public and maintain public confidence in the profession. She has shown a wilful disregard for the role of the GDC, prioritising her own needs over her professional obligations.
37. In those circumstances, the Committee could not be satisfied that the risk of repetition is low. The Committee considered there to be a real risk of repetition and therefore a risk of harm to the public and to the reputation of the profession. Further, public confidence in the profession and its reputation would be undermined if no finding of impairment were to be made to mark the seriousness of Miss Rose's misconduct.
38. Accordingly, the Committee determined that Miss Rose's fitness to practise as a dental nurse is currently impaired by reason of misconduct.

### *Sanction*

39. The purpose of a sanction is not to be punitive, although it might have that effect, but to protect the public and wider public interest. The Committee considered sanction in ascending order of severity.
40. To conclude this case with no further action or a reprimand would be wholly inappropriate given the seriousness of Miss Rose's misconduct and the risk of repetition. A reprimand would not be sufficient to protect the public or to meet the wider public interest.
41. The Committee considered whether conditions of practice could be formulated which would be measurable, workable and proportionate. The Committee determined that no such conditions could be formulated because of the attitudinal nature of Miss Rose's misconduct, its seriousness and her lack of engagement in these proceedings. The Committee could not be satisfied that Miss Rose would comply with any conditions on

her registration, which would, in any event, only require her to adhere to basic professional standards to which her registration is already subject.

42. The Committee then considered an order of suspension of up to 12 months with or without a review. The Committee determined this to be the most appropriate and proportionate outcome, as it would serve to protect the public and whilst also marking the seriousness of the misconduct. A period of suspension would give Miss Rose the opportunity to reflect on the importance of engaging appropriately with her regulatory body.
43. The Committee considered whether an order of erasure was necessary and proportionate to protect the public and concluded that it was not.
44. Accordingly, the Committee directs that Miss Rose's registration be suspended for a period of 12 months. The period of suspension shall be reviewed prior to its expiry. The Committee recommends that Miss Rose engage in the process and attend the review hearing. If she does not do so, there is a real prospect that her registration will continue to be suspended for the same reasons today.
45. The Committee now invites submissions on the question of an immediate order.
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46. The interim order on Miss Rose's registration is hereby revoked.
47. The Committee is satisfied that it is necessary for the protection of the public and is otherwise in the public interest to make an order under section 36U(1) of the Dentists Act 1984 that Miss Rose's registration be suspended forthwith. The effect of this order is that Miss Rose's registration shall be immediately suspended upon notification of this decision being served on her. Unless she exercises her right of appeal, the substantive direction for suspension shall take effect upon the expiry of the 28-day appeal period. Should she exercise her right of appeal, this immediate order shall remain in force pending the resolution of the appeal.
48. That concludes this determination.