

PRIVATE HEARING**Health Committee
Review Hearing****2 September 2026****Name:** JOHNSON-SMITH, Philip**Registration number:** 283887**Case number:** CAS-197399- -R5K5N7

General Dental Council: Ms Peta-Louise Bagott, Counsel
Instructed by Naila Hadid, IHLPS**Registrant:** Not Present
Unrepresented

Fitness to practise: Impaired by reason of adverse health**Outcome:** Suspension extended (with a review)**Duration:** 12 months

Committee members: Jill Crawford (Chair, Lay Member)
Gill Jones (Dentist Member)
Clare McIlwaine (Dental Care Professional Member)**Legal Adviser:** Gerry Coll**Committee Secretary:** Jamie Barge

At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.

1. This was a resumed hearing pursuant to Section 36Q of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing has been for this Health Committee (HC) to review Mr Johnson-Smith's case and determine what action to take in relation to his registration. The hearing took place remotely on Microsoft Teams.
2. The purpose of the hearing has been for the Committee to review a substantive order of suspension that is currently in place on Mr Johnson-Smith's registration. The order was imposed following an initial HC hearing which took place in September 2025.
3. Mr Johnson-Smith is not present today, and he is not represented in his absence. The Case Presenter for the General Dental Council (GDC) is Ms Peta-Louise Bagott, Counsel.

Decision on application to hold the hearing in private

4. At the outset, Ms Bagott made an application under Rule 53 for the hearing to be held entirely in private.
5. In reaching its decision, the Committee accepted the advice of the Legal Adviser.
6. The Committee noted that this case is almost entirely based on Mr Johnson-Smith's health or aspects of his health. It was therefore satisfied that Rule 53(2)(a) is engaged, which provides that all or part of a hearing may be held in private for the protection of a registrant's private and family life. The Committee considered that it would be difficult to hold any part of these proceedings in public. Accordingly, it determined that a wholly private hearing is necessary to protect Mr Johnson-Smith's private and family life.

Decision on service

7. The Committee first considered whether notice of the hearing had been served on Mr Johnson-Smith in accordance with Rules 28 and 65. It had sight of the Notice of Hearing dated 28 July 2026 ('the notice'), which was sent to Mr Johnson-Smith's registered address by Special Delivery and First Class post.
8. The Committee noted that the copy of the notice sent to Mr Johnson-Smith by Special Delivery was marked to be 'Delivered' on 29 July 2026. However, the Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. The Committee was satisfied on the evidence before it that the GDC had complied with the requirement to send notice.
9. The Committee further took into account that a copy of the notice was sent to Mr Johnson-Smith by email on 28 July 2026, which was downloaded on 2 August 2026. In addition, the Committee had sight of emails dated 13 August 2026 and 1 September 2026 to the GDC from Mr Johnson-Smith's representatives, MDU, in response to the notice.
10. The Committee was satisfied that the notice sent to Mr Johnson-Smith complied with the 28-day notice period specified in 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 Mr Johnson-Smith's absence.

11. On the basis of all the information provided, the Committee was satisfied that Mr Johnson-Smith was duly notified of the hearing in accordance with the Rules.

Decision on whether to proceed with the hearing 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 Mr Johnson-Smith. It approached this issue with the utmost care and caution. The Committee took account of the factors to be considered in reaching its decision, as set out in relevant case law, including the cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis* [2016] EWCA Civ 162.
13. The Committee bore in mind that fairness to Mr Johnson-Smith is an important consideration. It was also mindful of the need to be fair to the GDC, and of the public interest in the expeditious review of the suspension order currently in place on Mr Johnson-Smith's registration.
14. The Committee was satisfied that all reasonable efforts had been made to notify Mr Johnson-Smith of the hearing. It noted that he received and responded to the copy of the notice sent to him by, as confirmed in an email to the GDC dated 1 September 2026 where the Registrant confirmed he would not be attending the hearing today.
15. Having considered the matter, the Committee concluded that adjourning this hearing would serve no meaningful purpose. Mr Johnson-Smith did not request an adjournment, and there is no information before the Committee to suggest that deferring the hearing would secure his attendance on a future date. It also noted that he did not attend the initial HC hearing in September 2025.
16. The Committee bore in mind that the suspension order currently in place on Mr Johnson-Smith's registration is due to expire on 5 October 2026. It considered that, without good reason for a delay, today's review should proceed as scheduled. The Committee was satisfied that it was fair, reasonable in the public interest to proceed with the hearing in the absence of Mr Johnson-Smith.
17. As is the usual practice, the Committee has produced both a private version of its determination, as well as a suitably redacted public version.

Background

18. Mr Johnson-Smith's case was first considered by the HC in September 2025. He did not attend and was not represented at the hearing. The HC determined that Mr Johnson-Smith has an adverse health condition, namely [PRIVATE]
19. [PRIVATE].
20. [PRIVATE.]
21. The HC concluded that Mr Johnson-Smith's fitness to practise was impaired by reason of his adverse health. [PRIVATE:].
22. In considering what sanction, if any, to impose on Mr Johnson-Smith's registration, the HC bore in mind that the experts' opinion that certain areas of dentistry potentially remain open to him. The HC was satisfied that it was possible to formulate a stringent set of conditions, which would include a condition restricting Mr Johnson-Smith from practising in operative dentistry. The HC

considered that notwithstanding his adverse health conditions, Mr Johnson-Smith may be safe to perform certain clinical roles. It therefore directed that Mr Johnson-Smith's registration be subject to an order of conditions for a period of 12 months, with a review hearing to take place before its expiry.

23. On 9 January 2026, the matter was reviewed early at the request of the GDC due to concerns about breaches of some of the conditions imposed on Mr Johnson-Smith's registration.
24. The Committee found that Mr Johnson-Smith's fitness to practice remained impaired by reason of his adverse health. In particular they stated;

[PRIVATE]

25. In respect of sanction, that Committee determined:

"...The Committee considers that the risks to the public could continue to be suitably managed through conditions, albeit varied. However, in light of the information before it, the Committee considers that conditions are currently not workable and indeed put an onus on you which is not in your own interests. Accordingly, the Committee determined that the conditions proposed by the GDC are no longer workable in this case. It therefore directs that your registration be suspended. In making this direction, the Committee wishes to emphasise that it is not doing so for the purposes of protection of the public or in light of the findings against you. Indeed, It is encouraged by your attendance at this hearing. The Committee directs that your registration be suspended for a period of 8 months. It is satisfied that this period of time will allow you to concentrate on working on a PDP with such assistance as you are advised, and without necessarily incurring the costs of appointing a Development Adviser. This time would allow you an opportunity to plan your steps towards a return to dentistry, should that be feasible, and to provide a future reviewing Committee of your plans.

The Committee directs that a review of the suspension order should take place at a resumed hearing to be held shortly before the end of the 8 month period..."

Today's Hearing

26. It is the role of the Committee today to undertake a comprehensive review of Mr Johnson-Smith's case. In so doing, the Committee had careful regard to all the documentary evidence before it and took account of the submissions from Ms Bagott on behalf of the GDC. The Committee also heard and accepted the advice of the Legal Adviser. The Committee had regard to the GDC's *Guidance for the Practice Committees*, including *Indicative Sanctions Guidance* (October 2016, revised December 2020) (the Guidance).

Submissions

27. Ms Bagott on behalf of the GDC, invited the Committee to determine that Mr Johnson-Smith's fitness to practise remains impaired and to impose a further period of suspension of 12 months on his registration. In respect of impairment by reason of his health, Ms Bagott submitted that Mr Johnson-Smith remains impaired by reason of his health on both grounds of public protection and other wise in the public interest. **[IN PRIVATE]** She submitted that there has been no material change since the last review hearing. Mr Johnson-Smith has not attended these proceedings and has not submitted any of the information recommended at the end of the substantive hearing such as information as to how he intended to resume practice **[IN PRIVATE]** a proposed PDP".

28. Ms Bagott submitted that there had been no material change in the circumstances of the case since the substantive hearing. She submitted that conditions would neither be workable nor proportionate, and a further period of suspension for a further period of 12 months is proportionate.
29. The Registrant made no formal submissions, however, in his representatives email dated 1 September 2026 they stated “...*He does not object to the suspension being continued and has no documentation to submit to the Committee...*”

Committee’s Decision on Impairment

30. In making its decision, the Committee first sought to determine whether Mr Johnson-Smith’s fitness to practise is still impaired by reason of his adverse health. It exercised its independent judgement and was not bound by the decision of the previous committee. It balanced Mr Johnson-Smith needs with those of the public and bore in mind that its primary duty is to protect the public, including by maintaining public confidence in the profession and declaring and upholding proper standards and behaviour.

Impaired by reason of health

31. The Committee bore in mind that there was a persuasive burden on Mr Johnson-Smith to demonstrate that his fitness to practise was not currently impaired. However, the Committee noted that, he has not provided any information for this hearing. **[PRIVATE]**.
32. **[IN PRIVATE]**. The Committee therefore determined that Mr Johnson-Smith’s fitness to practise remains currently impaired by reason of his adverse health.

Committee’s Decision on Sanction

33. The Committee next considered what sanction, if any, should be imposed on Mr Johnson-Smith’s registration. It bore in mind the need to protect patients and the public interest. The Committee once again had regard to the principle of proportionality, weighing the interests of the public with Mr Johnson-Smith’s own interests.
34. The Committee has found that Mr Johnson-Smith’s fitness to practise remains impaired. In these circumstances, the Committee concluded that terminating the current suspension order would not be appropriate or sufficient for the protection of the public.
35. The Committee determined that the continued restriction of Mr Johnson-Smith’s registration remains necessary for the protection of the public and necessary to maintain wider public confidence in the profession and its regulation.
36. The Committee considered whether to replace the current suspension order with one of conditions. The Committee noted that a previous order of conditions was replaced with one of suspension in accordance with representations made on his behalf that conditions were not in his interests and had not proved workable.
37. On the information available to the Committee, there has been no material change in circumstances since the review hearing in January 2026 at which conditions were replaced with an order of suspension. The Committee notes that Mr Johnson-Smith does not object to the continuation of the order of suspension at this hearing.

38. The Committee considered, in the light of the history of the case and the absence of any information to indicate a change of circumstances, that conditions could not be formulated at this stage to be sufficient or workable.
39. Accordingly, the Committee determined that the continued suspension of Mr Johnson-Smith's registration in the GDC register under the title of Dentist remains necessary and proportionate. The Committee noted that the impact of suspension of Mr Johnson-Smith's ability to practice, including the financial impact but concluded in the circumstances that the public interest outweighed his own interests in this regard. The period of suspension shall be extended by a further period of 12 months beginning with the date on which it would otherwise expire. The Committee considers this period to be appropriate to allow Mr Johnson-Smith further opportunity to provide information relating to his health conditions and any steps taken to mitigate that impact on his fitness to practise.
40. A further review hearing will be held prior to the expiry of the extended period of suspension. Mr Johnson-Smith may wish to provide the following for the next reviewing Committee;
- Updated information relating to his health, and
 - Any steps taken to mitigate the impact of his health conditions on his fitness to practise.
41. That concludes the hearing today.