

HEARING HELD IN PRIVATE**Health Committee
Review Hearing****14 November 2024****Name:** WALSH, Sharon Louise**Registration number:** 66954**Case number:** CAS-193175

General Dental Council: Represented by Alecsandra Manning-Rees, counsel
Instructed by Holly Watt, IHLPS**Registrant:** Present
Represented by Tom Day, counsel
Instructed by Bridget Miles, Weightmans solicitors

Fitness to practise: Impaired by reason of health**Outcome:** Suspension revoked and conditions imposed (with a review)**Duration:** 12 months**Immediate order:** Immediate order of conditions imposed

Committee members: Andy Waite (Lay) (Chair)
Caroline Ross (Dental Care Professional)
Robin Barber (Dentist)**Legal adviser:** Peter Jennings**Committee Secretary:** Gareth Llewellyn

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

Dr Walsh

1. You are present at this resumed hearing of the Health Committee (HC). You are represented by Tom Day of counsel, instructed by Bridget Miles of Weightmans solicitors. Alecsandra Manning-Rees of counsel, instructed by Holly Watt of the GDC's In-House Legal Presentation Service (IHLPS), appears for the GDC. The hearing is being conducted remotely using Microsoft Teams in line with the Dental Professionals Hearings Service's current practice.

Purpose of hearing

2. The purpose of today's hearing is to review a substantive direction of suspension first imposed on your registration by the HC on 22 November 2023. The hearing is being held in accordance with section 27C (1) of the Dentists Act 1984 (as amended) ('the Act').

Preliminary matters

3. The Committee first considered whether all or part of the hearing should be held in private in accordance with Rule 53 of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). Mr Day on your behalf invited the Committee to hold the hearing entirely in private, given that the case relates to your health and private life. Ms Manning-Rees on behalf of the GDC supported the application. Having accepted the advice of the Legal Adviser, the Committee decided to accede to the application. The Committee was satisfied that the need to protect your private life required this, and that this consideration outweighed the public interest in open hearings. The hearing was thereafter held in private.

Existing order

4. In November 2023 the HC considered allegations about your fitness to practise. You were not present and were not represented in your absence. Following a factual inquiry the HC determined that you had one or more adverse health conditions.

IN PRIVATE

5. [text omitted].

IN PUBLIC

6. That Committee went on to determine that your fitness to practise was currently impaired by reason of your adverse health on public protection grounds, and that such a finding of impairment was also required in the wider public interest. The Committee determined to suspend your registration for a period of 12 months, with a review hearing to take place prior to the end of that period of suspended registration. The Committee also made recommendations as to the information and evidence that you may wish to provide to a future reviewing Committee.
7. It falls to this Committee to review the extant suspension.

Evidence

IN PRIVATE

8. [text omitted].
9. [text omitted].
10. [text omitted].
11. [text omitted].
12. [text omitted].
13. [text omitted].

IN PUBLIC

Submissions

14. Ms Manning-Rees on behalf of the GDC submitted that the evidence presented to the Committee indicates that your fitness to practise remains impaired on the grounds of adverse health, and that it would be appropriate and proportionate for the Committee to make a direction for conditional registration. Ms Manning-Rees drew the Committee's attention to a set of proposed conditions, and invited the Committee to consider imposing those conditions for a period of 12 months.

IN PRIVATE

15. [text omitted].

IN PUBLIC

16. Mr Day on your behalf submitted that you accept that your fitness to practise is currently impaired, and that a direction of conditional registration is not, in principle, opposed. Mr Day submitted that a period of not more than 12 months would be appropriate for such conditions.

IN PRIVATE

17. [text omitted].
18. [text omitted].
19. [text omitted].

IN PUBLIC

Committee's determination

20. The Committee has carefully considered all the evidence presented to it, as well as the submissions of Ms Manning-Rees on behalf of the GDC and those of Mr Day on your behalf. In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December

2020). The Committee has accepted the advice of the Legal Adviser concerning its powers and the principles to which it should have regard.

Impairment

21. The Committee has determined that your fitness to practise remains impaired by reason of your adverse health on public protection grounds.

IN PRIVATE

22. [text omitted].

IN PUBLIC

23. The Committee also considers that a declaration of impairment continues to be required in the wider public interest in order to declare and uphold proper professional standards of conduct and behaviour and to maintain public trust and confidence in the profession.

Sanction

24. The Committee next considered whether it would be appropriate to revoke the suspension, or to replace the suspension with a direction of conditional registration.

25. The Committee considered that revoking the suspension would place the public and the public interest at unwarranted risk of harm, given your ongoing impairment and the risks that it poses.

26. The Committee next considered whether it would be appropriate and proportionate to revoke the extant suspension in place on your registration and replace it with a direction for conditional registration.

IN PRIVATE

27. [text omitted].

IN PUBLIC

28. Having determined that a direction of conditional registration can adequately protect the public and the wider public interest, the Committee finds that extending the extant suspension would be disproportionate.

29. The Committee hereby directs that, in accordance with section 27C (1) (c) of the Act, the suspension in place on your registration is terminated and replaced with conditions for a period of 12 months. The Committee also directs that the period of conditional registration be reviewed by the HC prior to its expiry.

30. The conditions, as they will appear against your name, are as follows:

PUBLIC CONDITIONS

1. *She must notify the GDC, and the Commissioning Body on whose Dental Performers List she is included, within 7 days of any post she accepts for which GDC registration is required.*

2. *She must provide full contact details of her employer to the GDC within 7 days and allow the GDC to exchange information with her employer or any contracting body for which she provides dental services.*
3. *She must inform the GDC within 7 days of any formal or informal disciplinary proceedings taken against her, from the date of this determination.*
4. *She must inform the GDC within 7 days of any complaints made against her from the date of this determination.*
5. *She must inform the GDC within 7 days from the date of application if she applies for dental employment outside the UK.*

PRIVATE CONDITIONS

6. *[PRIVATE].*
7. *[PRIVATE].*
8. *[PRIVATE].*
9. *[PRIVATE].*
10. *[PRIVATE].*
11. *[PRIVATE].*
12. *[PRIVATE].*
13. *[PRIVATE].*
14. *[PRIVATE].*
15. *[PRIVATE].*
16. *[PRIVATE].*
17. *[PRIVATE].*
18. *[PRIVATE].*

PUBLIC CONDITIONS

19. *She must inform within 1 week the following parties that her registration is subject to the conditions, listed at (1) to (5) above, and provide evidence of this to the GDC:*
 - a. *any organisation or person employing or contracting with her to undertake dental work;*
 - b. *any prospective employer (at the time of application);*
 - c. *The Principal Dentist and the Practice Manager at her place of work; and,*
 - d. *any Commissioning Body in whose Dental Performers List she is included or seeking inclusion (at the time of application).*

20. *She must permit the GDC to disclose the above conditions, (1) to (5) and (19), to any person requesting information about her registration status.*

Immediate order

31. The Committee then invited submissions as to whether an order for immediate conditional registration should be imposed, pending the direction for conditional registration taking effect.
32. Ms Manning-Rees on behalf of the GDC submitted that an order for immediate conditional registration is necessary to provide the protections required until the Committee's substantive direction for conditional registration takes effect. Mr Day on your behalf submitted that he agrees that an immediate order of conditions should be imposed.
33. The Committee accepted the advice of the Legal Adviser concerning its powers and the principles to which it should have regard.
34. Having determined that a direction of conditions is now appropriate for the reasons set out in the foregoing determination, the Committee considers that it would be appropriate to terminate the direction of suspension forthwith. In the Committee's view, to allow the suspension to continue, when the Committee has found that the public can be adequately protected by conditions, would be disproportionate.
35. In all the circumstances, the Committee considers that an immediate order of conditions is necessary to protect the public, is otherwise in the public interest and is in your own interests. In so doing the Committee is mindful that the direction for conditional registration that it has made today will not come into effect until the end of the appeal period. The Committee has determined that, given the risks that it has identified to the public and to the public interest, and in your own interests, an immediate order for conditions is consistent with the findings that it has set out in its foregoing determination.

Right of appeal

36. You will have 28 days from the date on which notice of this decision is deemed to have been served on you to appeal against this decision. Should you decide to appeal, the immediate order for conditions, which takes effect forthwith, will remain in force until the resolution of any such appeal. Should you decide not to appeal, the substantive direction of conditions will take effect at the end of the appeal period of 28 days.
37. That concludes this case for today.