

PUBLIC HEARING**Professional Conduct Committee
Initial Hearing****23-25 September 2024****Name:** ABDOU, Ahmed Maged Youssef Mohamed**Registration number:** 241393**Case number:** CAS-202874-T3H0X7

General Dental Council: Mr Ashraf Khan, counsel.
Instructed by Mr Andrew Richardson, IHLPS**Registrant:** Present
Represented by Ms Jennifer Nicholson-White, counsel.
Instructed by Ms Lyndsey Combe, Kennedys Law

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

Committee members: Martin Isherwood(Chair and DCP member)
Richard Van Noort (Lay member)
Anjali Patel (Dentist member)**Legal adviser:** Rosemary Rollason**Committee Secretary:** Jamie Barge

Mr Abdou

1. This is a hearing before the Professional Conduct Committee (PCC). The hearing is being held in person at the GDC's Wimpole Street building, London.
2. You are present and are represented by Ms Jennifer Nicholson-White. Mr Ashraf Khan of Counsel, instructed by Mr Andrew Richardson of the General Dental Council's (GDC's) In-House Legal Presentation Service (IHLPS), appears for the GDC.

Decision and reason on Rule 18 application on behalf of the GDC

3. Mr Khan, on behalf of the GDC, informed the Committee that the stem of Head of charge 1 contains a typographical error. He stated that the date of your conviction was actually 24 August 2022 and not 27 September 2022.
4. Ms Nicholson-White did not raise any objection to the application.
5. The Committee heard and accepted the advice of the Legal Adviser.
6. Having heard the submissions of both parties, the Committee acknowledged the administrative error and deemed it appropriate and fair to allow the amendment. The Committee was satisfied that no injustice would be caused to either party.
7. Accordingly, the Committee acceded to Mr Khan's application to amend the stem of Head of charge 1.

Background to the case and summary of allegations

8. You made a self-referral to the GDC in August 2022, in which you stated that you had been convicted of three offences at Edinburgh Sheriff Court. The first offence was perverting the course of justice; the second offence was behaving in a threatening or abusive manner likely to cause a reasonable person to suffer fear or alarm; and the third offence was assault to injury.
9. The GDC obtained confirmation of your conviction from the relevant court which records the date of conviction as being 24 August 2022 and the date of sentence as being 27 September 2022. You were sentenced to 24 months' imprisonment and was made subject to a non-harassment order for a period of five years.
10. You appealed against your conviction. Your appeal was unsuccessful.

Evidence

11. The Committee has been provided with documentary material in relation to head of charge 1 that you face, including a certified Extract of Conviction relating to the court appearance giving rise to this case, and a printout of the police national computer (PNC) record.
12. The Committee heard no oral evidence at this stage of the hearing.

Admissions

13. Following the reading of the Heads of charge you tendered admissions to all the heads of charge that you face, namely heads of charge 1(a), 1(b), 1(c). The Committee determined

and announced that the facts alleged at those heads of charge were proven on the basis of your admissions in accordance with Rule 17 (4) of the Rules.

14. The Committee's findings in relation to each head of charge were therefore as follows:

1.	<i>On 24 August 2022, you were convicted at Edinburgh Sheriff Court of the following offences:</i>
1(a).	<i>Pervert the course of justice under Common Law.</i> Admitted and proved
1(b).	<i>Behave in a threatening or abusive manner likely to cause a reasonable person to suffer fear or alarm under the Criminal Justice and Licensing Scotland Act 2010 s. 38 (1).</i> Admitted and proved
1(c).	<i>Assault to Injury under Common Law.</i> Admitted and proved.

15. Following the Committee's findings of fact on the basis of your admissions, we move to stage two.

Determination on impairment and sanction – 25 September 2024

16. Following the handing down of the Committee's findings of fact, the hearing proceeded to stage two; that of impairment and sanction.

Proceedings at stage two

17. The Committee has considered all the evidence presented to it. It has taken into account the submissions made by Mr Khan, Counsel on behalf of the GDC and those made by Ms Nicholson-White, Counsel on your behalf.

18. 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.

Evidence at stage two

19. The Committee received documentary evidence at this stage of the proceedings. This evidence includes your reflective statement, a number of character testimonials from colleagues and friends, and certificates of continuing professional development (CPD).

20. You gave oral evidence to the Committee and apologised for your past behaviour. You stated that you fully understood the impact your behaviour has had on both the profession and the public. You provided a background to the relationship between you and your ex-wife at the time. You have re-married and have two young children. You stated that you have attended targeted CPD courses designed to improve your understanding of the impact your previous behaviour has had on others.

21. You referred to the positive feedback that you have received from patients and colleagues, and in particular to your caring attitude to others. You stated that you never intend to repeat your behaviour again.

22. The Committee also heard oral evidence from 8 defence character witnesses.

Fitness to practise history

23. Mr Khan addressed the Committee in accordance with Rule 20 (1) (a) of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). He stated that you have no other fitness to practise history with the GDC.

Submissions

24. Mr Khan on behalf of the GDC invited the Committee to find that your fitness to practise is currently impaired by reason of your criminal conviction. Mr Khan predicated his submission of impairment by reason of conviction on public interest grounds. He submitted that the GDC does not submit that you have previously or are in the future liable to put patients at unwarranted risk of harm. Mr Khan submitted that your conduct has brought the profession into disrepute, having assaulted your ex-wife. He submitted that one of the fundamental tenets of the dental profession is for you to make sure your personal behavior maintains patients' confidence in you and in the dental profession (core principle 9.1 of the Standards). He submitted that you have clearly breached this fundamental tenet.
25. Mr Khan submitted that your conduct has brought the dental profession into disrepute, having been found guilty by a jury, of serious criminal charges, which include assaulting your former wife, behaving in a manner which causes her alarm and distress and perverting the course of justice. He submitted that there is a need to uphold proper standards and a finding of impairment on public interest grounds is necessary to maintain public confidence in the dental profession. Therefore, you are impaired by reason of your conviction.
26. Mr Khan submitted that in respect of sanction, this is a serious conviction involving violence towards your ex-wife, which resulted in imprisonment for 24 months. Your conduct as found proved by the court is indicative of an attitudinal issue that is fundamentally incompatible with registration. The Committee should take into consideration not only the findings of violent and abusive conduct towards another person, but also your subsequent attempts to interfere with prosecution witnesses, which were sustained and extensive. It is submitted this is compounded by your absence of insight. Mr Khan submitted that you have failed to demonstrate any understanding of how the convictions are relevant to your fitness to practise, for instance, how they impact upon the reputation of the profession, and undermine public confidence.
27. Mr Khan submitted that a direction of suspended registration would be disproportionate as your conduct as found proved by the court is indicative of an attitudinal issue that is fundamentally incompatible with registration. He submitted therefore that the appropriate and proportionate sanction is one of erasure.
28. Ms Nicholson-White submitted that you have admitted to the conviction which dates back to 2017. She submitted that having regard to all the evidence you are not currently impaired. Ms Nicholson-White referred to the "Guidance for decision makers on the impact of criminal convictions and cautions" under the section "General Principles" and submitted that it is clear from paragraphs 9 and 12, that the existence of a conviction does not inevitably lead to a finding that the registrant is currently impaired.
29. Ms Nicholson-White invited the Committee to take into account the passage of time, some 7-8 years, and also the insight you have developed since. She submitted that you have apologised for the damage caused to the profession and there has been no concerns since. Ms Nicholson-White submitted that there is a stark contrast to the behaviour you

demonstrated then and that this was completely out of character. Various testimonials from colleague and friends support this, including your wife and also a previous girlfriend. She submitted that there are no attitudinal behavioural concerns, and your personal circumstances now are completely different. Ms Nicholson-White submitted that the risk of repetition is low.

30. Ms Nicholson-White submitted that you regret your conduct. You described that you have undertaken activities to develop insight into your actions and completed relevant courses into improving your understanding of the impact your past conduct has caused to others. You intend never to repeat this type of behaviour again. Ms Nicholson-White submitted that your fitness to practise is not currently impaired.
31. Ms Nicholson-White submitted that, were the Committee to instead find that your fitness to practise is currently impaired, that a sanction of reprimand would be appropriate. She submitted that this is appropriate given that there is no evidence to suggest that you pose any danger to the public, you have shown insight, the behaviour appears out of character, no previous history and rehabilitative steps you have been taken.
32. Ms Nicholson-White submitted that if the Committee were reminded to consider otherwise, then you would be willing to comply with conditions on your registration. She proposed a number of conditions which the Committee may wish to consider. In respect of suspension, Ms Nicholson-White submitted that there is no evidence of any harmful or deep-seated attitudinal behaviour. Therefore, a sanction of suspension or erasure would be disproportionate, particularly as you have already been subject to an interim order of suspension on your registration since April 2023.

Impairment

33. The Committee next considered whether your fitness to practise is currently impaired by reason of your conviction. 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.
34. The Committee considered the evidence before it including the Extract of Conviction. The Committee carefully assessed the nature and gravity of your criminal conduct which led to your conviction.
35. The Committee considered whether you are impaired on the grounds of public protection and whether your conviction is liable to make you repeat in the future.
36. The Committee has also taken note of your reflective statement together with the testimonials submitted on your behalf from colleagues and friends. Those positive testimonials attest to you being a valued dental professional. The Committee carefully considered your oral evidence in relation to your offending behaviour.
37. The Committee notes that there are no issues with your clinical competencies or any risk of harm to patients.
38. The Committee also noted the evidence presented to it that you have engaged fully with the process. However, the Committee is not satisfied that you have demonstrated adequate insight and remorse for the offence giving rise to your conviction. In particular, you have failed to demonstrate genuine remorse and acknowledgement of the impact your behaviour has caused to your ex-wife. You stated that you have attended courses to improve your understanding of the impact your type of past behaviour can have on the public, yet you failed to specifically acknowledge the impact caused to your ex-wife.

39. The Committee took into account the passage of time since. Although the Committee is cognisant that your conduct took place outside of work, it is not persuaded that you have demonstrated that you would necessarily act in an appropriate manner if you were to be faced with a similar situation. The Committee considers that your insight and remediation is lacking, and therefore the public is at risk of harm as a result of your un-remediated conduct. Therefore, in the circumstances, the risk of repetition of the conduct resulting in your conviction still remains and that you are currently impaired by reason of your conviction in respect of public protection.
40. The Committee then considered whether a finding of impairment is required for the purposes of declaring and upholding proper professional standards of conduct and behaviour and maintaining public trust and confidence in the profession. In view of the serious nature of your criminal conduct, the Committee considered that public confidence and professional standards would be seriously undermined in the absence of such a finding. The Committee notes that this was a serious offence involving you threatening and assaulting your ex-wife, as well as perverting the course of justice.
41. The Committee is satisfied that your behaviour has brought the reputation of the profession into disrepute. In the Committee's judgement public trust and confidence in the profession, and in the regulator, would be seriously undermined if a finding of impairment were not made in the particular circumstances of this case. In that respect, the Committee considered that your conviction is serious and that a finding of current impairment is necessary to maintain public trust and confidence in the profession, and to declare and uphold proper standards.
42. The Committee has therefore determined that your fitness to practise is impaired by reason of your conviction.

Sanction

43. The Committee then determined what sanction, if any, is appropriate in light of the findings of facts and impairment it has made. 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 interest considerations mentioned above.
44. In reaching its decision the Committee has again taken into account the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has applied the principle of proportionality, balancing the public interest with your own interests. The Committee has once more exercised its own independent judgement.
45. The Committee has paid careful regard to the mitigating and aggravating factors present in this case.
46. In respect of the mitigating factors that are present, the Committee has taken into account evidence of good conduct and character in the time since, there has been no repetition of your offending behaviour, and you have no previous fitness to practise history with the GDC. Finally, there is independent confirmation from the Procurators Fiscal office that there are no current criminal proceedings against you.
47. In terms of aggravating factors, the Committee is mindful that you were convicted of an offence involving assault and threatening behaviour. The Committee also considers that there was a risk of harm, it was premeditated conduct, there was a breach of trust, it occurred over a period of time, and a lack of insight and remorse into the impact your behaviour has caused towards your ex-wife.

48. The Committee has considered the range of sanctions available to it, starting with the least restrictive. In the light of its findings, the Committee considers that taking no action, or imposing a reprimand, would not be sufficient in the particular circumstances of this case. In the Committee's judgement, the nature and seriousness of the matters giving rise to its findings of impairment mean that the public would be insufficiently protected, and public trust and confidence in the profession and in the regulatory process would be significantly undermined, if no action were taken or a reprimand were issued. No action or a reprimand would also not be enough to declare and uphold proper professional standards of conduct and behaviour.
49. The Committee next considered whether a direction of conditional registration would be appropriate and proportionate. In the Committee's judgement conditions cannot adequately address the behaviour that has been identified, in what relates to your personal life and not your profession. In any event, the Committee considers that a direction of conditions would be insufficient to protect the public, to declare and uphold proper professional standards of conduct and behaviour and to maintain public trust and confidence in the profession and in the regulatory process in the particular circumstances of this case.
50. The Committee next considered whether a direction of suspended registration would be a suitable disposal of this case. After careful consideration the Committee has concluded that suspension is the appropriate and proportionate sanction to impose in this case. The Committee considers that your conviction is serious, particularly as your offending behaviour resulted in you being imprisoned for 24 months. The Committee has found that given you have demonstrated limited insight and remediation into the impact your behaviour has had on your ex-wife, the Committee could not be satisfied that there is not a risk that, should your circumstances change in the future, your behaviour would not be repeated. The Committee considers that any lesser sanction than that of suspension would not be sufficient to protect the public, to declare and uphold proper professional standards of conduct and behaviour and maintain trust and confidence in the profession and in the regulatory process.
51. The Committee did consider whether the higher, and ultimate sanction of erasure would be appropriate and proportionate. The Committee took into account the time passed since 2017, there has been no repetition since. It also took into account the number of positive testimonials from people who have known you before and after this matter. In the Committee's judgment, it is satisfied that your behaviour is fundamentally compatible with continued GDC registration. In the Committee's judgement such a sanction is not required, as the Committee does not find that you have a harmful, deep-seated professional or attitudinal problem. Conversely, the Committee is satisfied that a period of suspended registration can secure the public protection and public interest requirements that it has identified.
52. The Committee noted that you have completed the custodial sentence and made subject to a non-harassment order in respect of your ex-wife until September 2027. It noted that in relation to the non-harassment order you are serving, it considers that the public confidence would not be undermined if members of the public were aware of the circumstances including the extensive evidence the Committee heard about your conduct and character, before and in particular since the events leading to your conviction. Also, the Committee received a letter from Disclosure Scotland dated 27 September 2023, confirming that you are not included on the Children and Adult lists and not barred from doing regulated work with these groups.
53. The Committee directs that your registration be suspended for a period of 12 months, with a review hearing to take place prior to the end of that period. The Committee considers that this period of time is required to meet the public protection and public interest considerations that it has identified as referred to above. It also finds that this period of time is likely to be required for you to develop, deepen and demonstrate your insight into and remediation of your offending behaviour.

54. Although the Committee in no way wishes to bind or fetter the future reviewing Committee which will consider this matter at a resumed hearing towards the end of the period of suspended registration, it considers that it may be assisted by you providing evidence of your continued development of insight into and remediation of your offending behaviour. This may include, but is not limited to, your continued engagement in these proceedings, an in-depth reflective piece dealing with, amongst other topics, the impact of your offending behaviour on your ex-wife, the profession and the public, details of any coping strategies that you use or will use, and character references arising from paid and unpaid work and any other activities from individuals whom you have fully appraised of the Committee's findings.
55. The Committee now invites submissions as to whether your registration should be subject to an immediate order.
56. Following the handing down of the Committee's determination on impairment and sanction, the hearing continued to consider the question of whether to impose an immediate order of suspension on your registration.
57. The Committee has again had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020).
58. Mr Khan on behalf of the GDC submitted that the GDC does seek an immediate order due to the nature of the case.
59. Ms Nicholson-White submitted that you do not oppose the application for an immediate order.
60. The Committee accepted the advice of the Legal Adviser.
61. In all the circumstances, the Committee considers that an immediate order of suspension is necessary to protect the public and is otherwise in the public interest. The Committee has determined that, given the risks to the public and the public interest that it has identified, it would not be appropriate to permit you to practise before the substantive direction of suspension takes effect. The Committee considers that an immediate order for suspension is consistent with the findings that it has set out in its foregoing determination.
62. The effect of the foregoing determination and this immediate order is that your registration will be suspended from the date on which notice of this decision is deemed to have been served upon you. Unless you exercise your right of appeal, the substantive direction of suspension will be recorded in the register 28 days from the date of deemed service. Should you decide to exercise your right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.
63. Any interim order on your registration is hereby revoked.
64. That concludes this case.