

## PRIVATE HEARING

### Professional Conduct Committee Initial Hearing

6 November 2024

**Name:** Brooks, Lisa Jayne  
**Registration number:** 260910  
**Case number:** CAS-200375-Y9K0H3

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**General Dental Council:** Ms Laura Stockdale, counsel.  
Instructed by IHLPS

**Registrant:** Not present nor represented

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**Fitness to practise:** Impaired by reason of misconduct, conviction and adverse health

**Outcome:** Erased with Immediate Suspension

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**Committee members:** Zareen Elleby (Chair and DCP member)  
Katie Howlett (Dentist member)  
Helen Wagner (Lay member)

**Legal adviser:** Edward Hoskings

**Committee Secretary:** Jamie Barge

At this hearing the Committee made a determination that includes some private information. That information has been omitted from the separate public version of this determination, and that public document has been marked to show where private material has been removed. The private material appears in highlighted form in this private version of the determination.

1. On 27 July 2017 you signed the application form for registration with the General Dental Council and ticked the box “No” in response to the question: “Have you been convicted of a criminal offence and/or cautioned and/or are you currently subject to any police investigations which might lead to a conviction or a caution in the UK or any other country?”.
2. You failed to inform your employer at the time of interview in February 2021 of your conviction given at Cornwall Magistrates’ Court on 08 October 2015 for failing to provide a specimen for analysis (driving or attempting to drive) on 19 September 2015, contrary to section 7(6) the Road Traffic Act 1988.
3. On 23 September 2021, you were convicted at Cornwall Magistrates’ Court of driving a mechanically propelled vehicle whilst unfit to drive through drugs on 21 February 2021, contrary to section 4 (1) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
4. As amended – Between 14 June 2021 and 26 September 2021, you failed to inform your employer of your arrest, charge and conviction given at Cornwall Magistrates’ Court on 23 September 2021 for driving a mechanically propelled vehicle, whilst unfit to drive through drugs on 26 February 2021, contrary to section 4(1) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.
5. You have an adverse physical or mental health condition.
6. Your conduct in relation to 1, 2, and/or 4 was:
  - a. Misleading,
  - b. Lacking integrity,
  - c. Dishonest.

1. This is a Professional Conduct Committee hearing. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams in line with current GDC practice. Miss Brooks was neither present nor represented in this hearing. Ms Laura Stockdale (Counsel) is the Case Presenter for the General Dental Council (GDC). Ms Laura Stockdale will be referred to as the “Case Presenter” throughout the determination.

### **Preliminary matters**

#### **Decision on service of notification of hearing – 4 November 2024**

2. In Miss Brooks’s absence the Case Presenter submitted that the notification of hearing had been served on her in accordance with Rules 13 and 65 of the General Dental Council (GDC) (Fitness to Practice) Rules Order of Council 2006 (“the Rules”).
3. The Committee had before it a copy of the notification of hearing letter dated 16 September 2024, which was sent by Royal Mail Special Delivery, Tracked and Signed, to Miss Brooks’s registered address as it appears in the Register. It was satisfied that the letter contained all the components necessary such as the date, time and venue (Microsoft Teams) in accordance with Rule 13. The Committee noted the Royal Mail track and trace report showed that delivery had been attempted and was returned to sender on 8 October 2024. The notice of hearing was also sent to Miss Brooks via email.
4. Having accepted the advice of the Legal Adviser, the Committee was satisfied that the notification of hearing had been served in accordance with Rules 13 and 65.

#### **Decision on proceeding in Miss Brooks’s absence**

5. The Case Presenter then made an application under Rule 54 that the hearing should proceed in Miss Brooks’s absence. The Committee bore in mind that its discretion to proceed with a hearing in these circumstances should be exercised with the utmost care and caution. It took account of the Case Presenter’s submissions, and it accepted the advice of the Legal Adviser.
6. The Committee was referred to the GDC correspondence bundle by the Case Presenter. It noted that throughout the period of time of this matter proceeding there have been numerous attempts by the GDC to contact Miss Brooks and to engage with her. Miss Brooks last communication with the GDC was during a telephone call on 15 April 2024, where she indicated that she won’t be returning to dental nursing. The GDC last called Miss Brooks on 14 October 2024 and a message was left on her voicemail as there was no response from her.
7. The Committee found that all reasonable efforts had been made by the GDC to bring the matter to Miss Brooks’s attention. There was no request from Miss Brooks for an adjournment of the hearing. In considering whether to exercise its discretion to proceed in her absence the Committee had regard, amongst other things, to the public interest in the expeditious disposal of this case, the potential inconvenience to the witnesses called to attend this hearing and fairness to Miss Brooks. The Committee was of the view that an adjournment was unlikely to secure Miss Brooks’s attendance at a future hearing given her sporadic engagement with these proceedings and it was satisfied there was no good reason to adjourn. For all these reasons the Committee determined to proceed with the hearing in Miss Brooks’s absence.

### Application for the hearing to be held in private

8. The Case Presenter submitted that some of the matters of Miss Brooks's case are related to her health. On that basis and the fact that Miss Brooks is not here, the Case Presenter submitted that the GDC makes an application for the health matters to be heard in private.
9. The Committee considered the Case Presenters submissions and accepted the advice of the Legal Adviser. It considered Rule 53, taking into account the public interest and fairness to Miss Brooks. The Committee first considered the public interest and also reflected on the need for open justice and transparency. The Committee next considered the need to protect Miss Brooks's right to a private life and therefore considered it necessary to hold some of the hearing in private.
10. The Committee considered that it would be appropriate to hold parts of the hearing in private. The Committee therefore acceded to the application and determined to hold some of the hearing in private. The Committee also reflected on the need for open justice but considered that the mandatory requirement of Rule 45 to publish a suitably redacted final determination of the PCC would satisfy this.

### Application under Rule 18 to amend head of charge.

11. The Case Presenter made an application to amend head of charge 4 having assessed the evidence of Witness 1 and 2. Therefore, she applied to amend to read " Between 14 June 2021 and 26 September 2021, you failed to inform your employer of your arrest, charge and conviction given at Cornwall Magistrates' Court on 23 September 2021 for driving a mechanically propelled vehicle, whilst unfit to drive through drugs on 26 February 2021, contrary to section 4(1) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988. She submitted that no injustice or unfairness would be caused to either party.
12. The Committee having received and accepted legal advice, considered that it is fair and appropriate to amend the head of charge. It considered that there is no unfairness to either party. It therefore accepts the application to amend head of charge 4.

### Background

13. On 16 October 2015, Miss Brooks was registered with the Council, however, on 3 August 2016, Miss Brooks was removed from the Council's register due to non-payment of the annual retention fee (ARF).
14. On 27 July 2017, Miss Brooks signed an application to be restored to the Council's register. In Section 3 of the application form, in response to the question '*Have you been convicted of a criminal offence and/or cautioned (other than a protected conviction or caution) and/or are you currently the subject of any police investigations which might lead to a conviction or a caution in the UK or any other country?*' Miss Brooks marked the box 'No'.
15. On 29 September 2021 Miss Brooks informed the GDC that she had been convicted of a criminal offence. The GDC established that Miss Brooks appeared before Bodmin Magistrates' Court on 23 September 2021 and, after pleading guilty, she was convicted of driving under the influence of drugs. The offence of which Miss Brooks was convicted took place on 26 February 2021. The GDC in its investigation also established that on 8 October 2015 Miss Brooks appeared before Cornwall Magistrates' Court and was convicted of an offence of failing to provide a specimen for analysis (driving or attempting to drive). The GDC alleges that Miss Brooks failed to declare her conviction at the appropriate times.

16. On 23 February 2021, Miss Brooks took part in an interview for the role of a Dental Nurse at a dental practice at Truro Health Park ('the Practice'). She was interviewed by Witness 1, Location Manager at that time. During the interview Miss Brooks was asked whether she had *'any convictions/cautions/reprimands or warnings irrespective of whether they are spent or not'*. Miss Brooks replied *'no'* to this question.
17. On 26 February 2021, Miss Brooks was arrested for an offence of driving whilst unfit to drive through drugs.
18. On 2 March 2021, Miss Brooks was offered employment as a Dental Nurse with the Practice. At that time, the practice was unaware that Miss Brooks had the 2015 conviction. On 17 May 2021, the practice was notified by the Disclosure and Barring Service ('DBS') that a DBS Certificate had been issued to Miss Brooks on 12 May 2021. Between 17 and 21 May 2021, Miss Brooks informed Witness 1 that she had a conviction from 2015 and that she believed it had fallen off her DBS check. On 14 June 2021, Miss Brooks commenced employment as a Dental Nurse at the Practice. On that day she signed an employment contract. Under Clause 1.4 of that contract, Miss Brooks was required to comply with the Practice's rules, policies and procedures in force.
19. On 23 September 2021, Miss Brooks was convicted of an offence of driving whilst unfit to drive through drugs at Cornwall Magistrates' Court. On 27 September 2021 Miss Brooks informed the Practice that she had attended court on 23 September 2021. On 28 September 2021, Miss Brooks met with Witness 1 at the Practice to questions of why she failed to disclose her 2015 conviction during her interview on 23 February 2021, and why she failed to disclose her pending criminal proceedings either during that interview or after she was charged with a criminal offence. Miss Brooks was subsequently suspended. On 29 September 2021 Miss Brooks informed the GDC that she had been charged.
20. On 11 November 2021, a disciplinary hearing took place at the Practice with Miss Brooks. On 19 November 2021, Miss Brooks was dismissed from the Practice.
21. On 14 December 2021, following letter from the Council, the Practice informed the Council of their concerns regarding Miss Brooks's fitness to practise.

#### **Decision and reasons on the facts – 5 November 2024**

22. The Committee considered all the evidence presented to it and took account of the submissions made by the Case Presenter on behalf of the GDC. The Committee accepted the advice of the Legal Adviser. It considered each head of charge 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 facts are proved on the balance of probabilities.

#### **Evidence**

23. The Committee had regard to a number of documents which included but were not limited to the GDC hearings bundle which included an expert report, dated 31 May 2024 a memorandum of conviction dated 2 March 2024; witness statements from Witness 1 and 2 as well as from Sadaf Rasul, GDC Caseworker.

#### **Witnesses**

24. The Committee heard oral evidence from the following GDC witnesses:
  - Witness 1
  - Witness 2
  - [PRIVATE], expert witness.

## Committee's findings

25. The Committee's findings in relation to each head of charge are as follows:

<p>1.</p>	<p><i>On 27 July 2017 you signed the application form for registration with the General Dental Council and ticked the box "No" in response to the question: "Have you been convicted of a criminal offence and/or cautioned and/or are you currently subject to any police investigations which might lead to a conviction or a caution in the UK or any other country?".</i></p> <p><b>Found Proved</b></p> <p>The Committee was satisfied that the obligation to disclose convictions is set out in the application which states: <i>"Dental care professionals are exempt from the Rehabilitation of Offenders Act 1974. You must therefore, tell us about prosecutions or convictions, including those considered "spent" under this Act".</i></p> <p>The Committee was satisfied that there is a conviction dated 8 October 2015 as evidenced by the DBS printout on pages 210-211 of the main hearings bundle.</p> <p>The Committee noted that the application dated 27 July 2017, contained a self-declaration which asks the applicant whether they have been convicted of a criminal offence or caution. Miss Brooks clearly ticked the 'no' box and signed and dated her application.</p> <p>In view of this evidence the committee finds the charge proved.</p>
<p>2.</p>	<p><i>You failed to inform your employer at the time of interview in February 2021 of your conviction given at Cornwall Magistrates' Court on 08 October 2015 for failing to provide a specimen for analysis (driving or attempting to drive) on 19 September 2015, contrary to section 7(6) the Road Traffic Act 1988</i></p> <p><b>Found proved.</b></p> <p>The Committee heard oral evidence from Witness 1, Location Manager, and Witness 2, the HR Business Partner, Managers for the practice. They had interviewed Miss Brooks on 23 February 2021, for a dental nurse position at the practice. Witness 1 confirmed that during the interview Ms Brook did not confirm that she had any convictions.</p> <p>Witness 2, stated in oral evidence that during Miss Brooks' interview, Miss Brooks had stated "no" to the question if she had any convictions. Witness 2 stated that Miss Brooks later suggested that she thought the 2015 conviction would not show up on her DBS check as she thought it would have disappeared.</p> <p>Witness 2 also stated that the first time the practice was made aware of Miss Brooks 2015 conviction was when they received notification from the DBS service on 17 May 2021, that a DBS certificate had been issued to Miss Brooks on 12 May. Witness 2 stated that the practice received a copy of the DBS certificate from Miss Brooks on 21 May 2021.</p>





	<p>The Committee accepted the written and oral evidence of Witness 1 and Witness 2. The Committee is satisfied based on their evidence that Miss Brooks has failed to notify her employers at the time of the interview that she was convicted at Cornwall Magistrates Court on 8 October 2015.</p> <p>The Committee therefore finds this head of charge proved.</p>
3.	<p><i>On 23 September 2021, you were convicted at Cornwall Magistrates' Court of driving a mechanically propelled vehicle whilst unfit to drive through drugs on 21 February 2021, contrary to section 4 (1) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.</i></p> <p><b>Found Proved</b></p> <p>The Committee had sight of a signed certified copy of the memorandum of conviction in relation to this conviction. The facts are found proved in accordance with Rule 57 (5) which states;</p> <p><i>57 - (5) Where a respondent has been convicted of a criminal offence— (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;</i></p> <p>The Committee is satisfied of the Memorandum of conviction is proof of Miss Brooks conviction on 23 September 2021 of driving a mechanically propelled vehicle whilst unfit to drive through drugs on 21 February 2021.</p> <p>It therefore finds this head of charge proved.</p>
4.	<p><i>Between 14 June 2021 and 26 September 2021, you failed to inform your employer of your arrest, charge and conviction given at Cornwall Magistrates' Court on 23 September 2021 for driving a mechanically propelled vehicle, whilst unfit to drive through drugs on 26 February 2021, contrary to section 4(1) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.</i></p> <p>Witness 1 in oral evidence stated that Miss Brooks upon starting employment at the practice had failed to notify her that she had been arrested and charged with driving whilst unfit though drugs. Witness 1 confirmed that sometime after the interview, Miss Brooks approached Witness 1 for an annual leave request and notified Witness 1 after the event, that the reason for annual leave was because she had been arrested in February 2021 for a driving offence and that she was appearing in court in relation to sentencing on 23 September 2021.</p> <p>Witness 2 confirmed that the first time she was made aware of this was during a telephone call with Witness 1 on 27 September 2024. Witness 1 had informed Witness 2 that Miss Brooks had notified her of an arrest in February 2021 was requesting annual leave so she could attend court for sentencing.</p> <p>The Committee accepts the evidence of Witness 1 and 2 and is satisfied that Ms Brook had not notified her employer of her sentencing following a request for annual leave for 23 September 2021. It took into account</p>

	<p>this notification was made after her obtaining a position at the practice as a dental nurse and not during her interview or upon starting work.</p> <p>The Committee accepts the evidence of Witness 1 and 2 and finds it more likely than not that Ms Brook between 14 June 2021 and 26 September 2021, had failed to inform her employer of her arrest, charge and conviction given at Cornwall Magistrates' Court on 23 September 2021.</p> <p>It therefore finds this head of charge proved.</p>
5.	<p><i>You have an adverse physical or mental health condition.</i></p> <p><b>Charge proved.</b></p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE].</p> <p>The Committee considers on the balance of probabilities, that it is more likely than not, that they indicate Miss Brooks currently suffers from an adverse health condition, [IN PRIVATE].</p> <p>It therefore finds this head of charge proved.</p>
6.	<p><i>Your conduct in relation to 1, 2, and/or 4 was:</i></p>
6.a	<p>Misleading</p> <p><b>Found Proved</b></p> <p>The Committee determined that Miss Brooks's failure to disclose her convictions to the GDC and her employer was misleading as it left the impression that she had never been convicted of a criminal offence. The question asked on the form in 2017 was quite clear of whether she had any convictions. Also, in her interview with her employer, it was made very clear to her, yet she chose not to disclose her conviction to her would be employers. Further, despite being aware of the HR policy, Miss Brooks deliberately failed to inform her new employer of her arrest and impending court appearance.</p> <p>Accordingly, this charge is found proved.</p>
6.b	<p>lacking in integrity</p> <p><b>Found Proved</b></p> <p>The GDC standards require Dental Professionals to act with honesty and integrity. Miss Brooks was obligated to adhere to the standards.</p> <p>The Committee was referred to the guidance in the case of <i>Wingate v Evans SRA</i>; <i>SRA v Malins</i> [2018] EWCA Civ 366 which discussed the distinction between honesty and integrity and stated that integrity is "a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their</p>



	<p><i>own members</i>” and that it connotes adherence to the ethical standards of one’s own profession.</p> <p>This form was an application to be accepted on to the register of her professional body and as such needed to be accurate and complete. The question is very clear to anybody filing in this for. In addition, in her interview to her prospective employers, Ms Brook chose not to disclose her previous conviction and the fact that she was currently the subject of a pending court appearance to them.</p> <p>The Committee finds that Miss Brooks’ conduct in respect of head of charge 1, 2 and 4 lacked integrity.</p> <p>It therefore finds this head of charge proved.</p>
6.c	<p>Dishonest</p> <p><b>Found Proved</b></p> <p>The Committee was referred to the Supreme Court judgment in the case of Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67 where the legal test for dishonesty was revisited. This was as follows:</p> <p><i>“When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”</i></p> <p>Witness 2 stated that she had lots of time to notify her and Witness 1 of her pending court appearance and possible conviction but chose not to do this.</p> <p>In relation to head of charge 1 above, the Committee is satisfied that Miss Brooks was aware of her professional duty to disclose her criminal convictions to the GDC. When completing the application form for restoration to the Council’s register on 27 July 2017, Miss Brooks was aware that she had to declare to the Council her 2015 conviction as the application form stated that applicants must declare all convictions, including spent convictions. Despite this Miss Brooks failed to do so.</p> <p>Also, in respect of head of charge 2 and 4, Miss Brooks conduct involved multiple and ongoing failures to disclose; the failed disclosures related to two different police matters.</p> <p>During the interview on 23 February 2021, the Committee is satisfied Ms Brook was aware that she had to disclose to the Practice her 2015 conviction as she was asked about all convictions, including spent convictions. Also, both when charged and convicted of the offence of driving whilst unfit through drugs on 21 February 2021, she was aware</p>

that she had to disclose the conviction to the Practice as this was stated in the Disciplinary Policy available on the Practice's intranet and formed part of her employment contract.

The Committee had received no direct evidence as to Miss Brooks intentions. It was advised it could draw an inference based on the evidence before it. Given Miss Brooks's duty to her regulator and to her would be employers, the Committee drew the inference that, on a balance of probabilities, her intention was to conceal her convictions from the GDC and also to her prospective employers.

Further, the Committee found that applying objective standards of ordinary decent people, Miss Brooks's conduct involved multiple and ongoing failures to disclose. The dishonest disclosures related to two different police matters; and Miss Brooks failed to disclose matters to both the Council, when she was aware she was obligated to do so, as well as to her employer, which was dishonest.

It therefore finds this head of charge proved.

26. We move to Stage Two.

### **This stage of the hearing**

27. The overriding charge against Miss Brooks based on the factual findings is one of impaired fitness to practise by reason of conviction and/or misconduct and/or adverse health. Accordingly, the Committee's task at this second stage of the hearing has been to consider whether Miss Brooks' fitness to practise as a dental nurse is currently impaired on any of these three statutory grounds. The Committee noted that if it found current impairment on one or more of the statutory grounds, it would need to consider the issue of sanction.
28. In reaching its decisions, the Committee considered all the evidence presented to it at the fact-finding stage. It did not receive any further evidence at this stage of the proceedings.
29. The Committee took account of the submissions made by Ms Stockdale in relation to misconduct, impairment, and sanction.
30. The Committee accepted the advice of the Legal Adviser. It noted that there is no burden or standard of proof at this stage of the proceedings, and that its decisions were for its independent judgement.

### **Summary of the submissions made on behalf of the GDC**

31. In relation to this current case, Ms Stockdale confirmed that the alleged misconduct relates to the Committee's finding that Miss Brooks failed to inform both the GDC and her employers of her previous conviction and impending court appearance. Her conduct involved multiple parties, the GDC and her employers. She submitted that there were three distinct acts of dishonesty, in failing to disclose her conviction to the GDC and her employers. The Committee has found that her conduct in this respect was misleading, lacked integrity and was dishonest.
32. Ms Stockdale also highlighted the repeated nature of Miss Brooks' dishonest conduct which fell far below the standards required. Ms Stockdale submitted that the findings made in respect of dishonesty are serious, and that the Committee would be entitled to conclude that it reached the threshold for a finding of misconduct.

33. In addressing the Committee on current impairment, Ms Stockdale submitted that it is accepted that the matters are of some age, but given they involve dishonesty, they warrant a finding of impairment.
34. It was Ms Stockdale's submission that a finding of impairment on all three grounds was necessary for the protection of the public. She also submitted that such a finding would be in the wider public interest. She asked the Committee to take into account the factual particulars of the offences of which Miss Brooks were convicted. Ms Stockdale also invited the Committee to consider the lack of evidence of insight, remorse, and remediation demonstrated by Ms Brooks. It was Ms Stockdale's submission that there was also a risk of repetition in relation to the alleged misconduct in this case. She asked the Committee to take into account Miss Brooks's lack of engagement, and there may be an attitudinal issue, given the repeated findings of dishonest conduct in this case.
35. Ms Stockdale invited the Committee to find current impairment by reason of misconduct on both public protection and wider public interest grounds.
36. With regard to sanction, Ms Stockdale invited the Committee to take into account that Miss Brooks has already been under interim suspension for the past two and a half years since April 2022. Therefore, in light of that period of suspension served, she bases her submissions in respect of sanction on the grounds of misconduct and health only. She submitted that given that Ms Brooks failed to disclose her convictions on three separate occasions, the appropriate and proportionate sanction in this case was an order of erasure. She submitted that any sanction less than this, given her repeated dishonest conduct would not sufficiently protect the public, nor would it sufficiently mark the repeated nature of her dishonest conduct that has been identified.

### **The Committee's decisions**

37. In reaching its decisions, the Committee had regard to the legal principles outlined. It also bore in mind 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.

### **Misconduct**

38. The Committee first considered whether the facts that it has found proved at heads of charge 1, 2 and 4 constitute misconduct. In considering this and all other matters, the Committee has exercised its own independent judgement.
39. In its deliberations the Committee has had regard to the following paragraphs of the GDC's *Standards for the Dental Team* (September 2013) in place at the time of the incidents giving rise to the facts that the Committee has found proved at heads of charge 1, 2 and 4 These paragraphs state that as a dental care professional:

*1.3 You must be honest and act with integrity.*

*1.3.1 You must justify the trust that patients, the public and your colleagues place in you by always acting honestly and fairly in your dealings with them. This applies to any business or education activities in which you are involved as well as to your professional dealings.*

*1.3.2 You must make sure you do not bring the profession into disrepute.*

*9.1 You must ensure that your conduct, both at work and in your personal life, justifies patients' trust in you and the public's trust in the dental profession.*

40. The Committee's findings at heads of charge 1, 2 and 4 relate to Miss Brooks failing to disclose her convictions to her employer and to the GDC in her restoration application. The Committee found that such conduct was lacking in integrity and was dishonest.
41. In light of the findings of fact that it has made, the Committee has determined that the proven facts amount to misconduct. The Committee finds that Miss Brooks conduct fell far short of the standards reasonably to be expected of a registered dental professional. The Committee considers that the proven conduct was serious by its nature as it occurred on three separate occasions. Her conduct was dishonest and deliberately mislead both her employer and her regulatory body. The Committee considers that although Ms Brooks self-referred the matters to the GDC and later disclosed her convictions to her employer, this does not detract from the seriousness of her actions as this was only after she should have done so. The Committee considers that the public, colleagues, employers and her regulator should be able to rely on a registrant's honesty and trustworthiness, and it specifically considers that acting with honesty and integrity is a fundamental tenet of the profession. The Committee finds that Miss Brooks' dishonest conduct was capable of bringing the profession into disrepute, and that her acts would be viewed as deplorable by her fellow practitioners.
42. The Committee has therefore determined that the facts that it has found proved at heads of charge 1, 2 and 4 amount to misconduct.

#### **Decision on impairment by reason of conviction**

43. The Committee first considered the matter of Miss Brooks' conviction on 23 September 2021. It noted the serious nature of the offence, which was marked by a significant period of 3 years disqualification from driving.
44. In considering the risk of repetition, the Committee noted that Miss Brooks received a previous conviction for failing to provide a specimen in 2015. Nonetheless it was serious misconduct that Miss Brooks went on to repeat in 2021, some six years later.
45. The Committee noted that Miss Brooks referred herself to the GDC in respect of her conviction in December 2021, and that she pleaded guilty to the offence in court. It also noted the information regarding her expressions of regret, including during her police interview and discussions with her employer. However, there has been no information at this hearing relating to Miss Brooks's current level of insight into her conviction in terms of its impact on public safety and the reputation of the dental profession.
46. In all the circumstances, the Committee considered that there is a risk of repetition associated with the matter of Miss Brooks's conviction. It therefore determined that a finding of impairment is necessary for the protection of the public.
47. The Committee also determined that, given the nature and seriousness of Miss Brooks's conviction, a finding of impairment is also in the wider public interest, to maintain public confidence in the dental profession and to declare and uphold proper professional standards. The Committee considered Miss Brooks's duty under Standard 9.1 to ensure that her conduct, both at work and in her personal life, justifies patients' trust in her and the public's trust in the dental profession.
48. The Committee determined that Miss Brooks' fitness to practise is currently impaired by reason of her conviction.

### **Decision on impairment by reason of misconduct**

49. The Committee first considered whether misconduct was made out on the relevant facts. It took into account that a finding of misconduct within the regulatory context requires a serious falling short of the professional standards expected of a registered dental professional. The Committee had regard to Standards 1.3 and 9.1.
50. The Committee considered that Miss Brooks' repeated dishonest conduct represented a serious breach of a fundamental tenet of the dental profession. Whilst the Committee took into account that she did partially engage with the GDC, that engagement was sporadic.
51. The Committee considered whether Miss Brooks' fitness to practise is currently impaired by reason of her misconduct. In doing so, it took into account that it received no evidence from Miss Brooks as to her insight into her dishonest conduct towards her regulatory body, as well as to her employer. She has not provided adequate evidence of reflection or remediation. Her written representations expressed an intention never to do it again, however, it is no more than that. The Committee also noted that in her account of events she took little personal responsibility. The Committee further took into account that her conduct was repeated on more than one occasion and is indicative of a risk of recurrence.
52. The Committee therefore determined that a finding of impairment is necessary for the protection of the public. It considered the issue of public protection to be engaged in relation to Miss Brooks's dishonest conduct, given that she did this on more than one occasion. Miss Brooks conduct misled her regulatory body into believing that she had no convictions.
53. The Committee further determined that a finding of impairment is in the wider public interest, in view of Miss Brooks' serious breach of fundamental GDC Standards. The Committee considered that public confidence in the dental profession would be undermined in the absence of such a finding. It also had regard to its duty to uphold proper professional standards.
54. Accordingly, the Committee determined that Miss Brooks' fitness to practise is currently impaired by reason of her misconduct.

### **Decision on impairment by reason of adverse health**

55. The Committee next considered whether Miss Brooks' fitness to practise is impaired by reason of her adverse health.
56. [IN PRIVATE]
57. [IN PRIVATE].
58. [IN PRIVATE].
59. [IN PRIVATE]. The Committee determined that Ms Brooks is currently impaired by reason of her health condition and that a finding of impairment is necessary for the protection of the public.
60. The Committee also determined that such a finding is in the wider public interest. It considered that allowing Miss Brooks to continue in unrestricted practice under the current circumstances would undermine public confidence in the dental profession.
61. The Committee therefore determined that Miss Brooks' fitness to practise is currently impaired by reason of her adverse health.

## Decision on sanction

62. The Committee considered what sanction, if any, to impose on Miss Brooks' registration. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect patients and the wider public interest. In reaching its decision, the Committee had regard to the GDC's '*Guidance for the Practice Committees including Indicative Sanctions Guidance*' (Effective from October 2016; last revised in December 2020) ('the Guidance'). It applied the principle of proportionality, balancing the public interest with Miss Brooks's interests.
63. In deciding on the appropriate sanction, the Committee first considered the issue of mitigating and aggravating factors. In mitigation, it took into account that;
- Miss Brooks referred herself to the GDC in respect of her conviction in 2021;
  - Her difficult personal circumstances;
  - No fitness to practise history;
  - She pleaded guilty to the offence in court.
64. In terms of aggravating features, the Committee identified the following factors:
- Risk of harm to others in terms of the nature and seriousness of Miss Brooks' conviction, but also in relation to her misconduct in failing to notify the GDC on a matter that may have affected the safety of the public;
  - Miss Brooks' misconduct was sustained and repeated over a period of time;
  - Miss Brooks displayed a repeated and serious disregard for the role of the GDC and the systems regulating the profession;
  - Financial gain in order to gain employment;
  - Breach of trust;
  - Lack of evidence of Miss Brooks' insight into any of the aspects in this case.
65. Taking all these factors into account, the Committee considered the available sanctions, starting with the least restrictive, as it is required to do.
66. The Committee first considered whether to conclude this case without taking any action in relation to Miss Brooks' registration. It decided, however, that such a course would be wholly inappropriate given the ongoing risks that have been identified. Taking no action would not serve to protect the public, nor would it satisfy the wider public interest.
67. The Committee considered whether to issue Miss Brooks with a reprimand. Similarly, it concluded that a reprimand would be insufficient to protect the public and the wider public interest. A reprimand is the lowest sanction which can be applied, and it would not impose any restriction on Miss Brooks' practice. A reprimand is usually considered to be appropriate where there is no identified risk to patients or the public. This is not such a case.
68. The Committee next considered whether to impose an order of conditions on Miss Brooks' registration. Whilst it was of the view that conditional registration could potentially address the health matters in this case, it took into account the limited and sporadic nature of Miss Brooks' engagement with this process, and the absence of any evidence that she would be willing to comply with any conditions imposed. The Committee considered that the imposition of conditions in such circumstances would not be appropriate or proportionate. Furthermore, the Committee considered that it could not formulate any workable or measurable conditions to address the other aspects of this case, namely Miss Brooks' misleading and dishonest conduct and her conviction. Conditions of practice would not guard against the issue of drink-driving, nor would they improve Miss Brooks' conduct with her regulator and would be



employers. Accordingly, the Committee concluded that an order of conditions would not be adequate to protect the public or the wider public interest.

69. The Committee went on to consider whether to suspend Miss Brooks' registration for a specified period. In doing so, it had regard to the Guidance at paragraph 6.28, which outlines factors to be considered when deciding whether the sanction of suspension would be appropriate. It questioned whether a suspension would be proportionate in all the circumstances of the misconduct it has found. In reaching its decision, the Committee considered that Miss Brooks has provided no evidence of remediation or shown any insight into these serious matters.
70. The Committee took into account that this case involves a conviction of a serious nature and a pattern of behaviour in failing to disclose her convictions to her regulatory body and employer. Furthermore, her protracted dishonesty on three separate occasions is indicative of a harmful, deep-seated attitudinal problem. It noted that Miss Brooks has failed to properly engage in the process and provide evidence of insight into her previous conduct. The Committee was not satisfied that a sanction of suspension would be sufficient to mark the seriousness of Miss Brooks' conviction and misconduct or to maintain public confidence in the profession and in the GDC as its regulator. The Committee noted that erasure was a sanction open to it, given that its findings do not relate solely to Miss Brooks' health.
71. In considering whether the sanction of erasure was appropriate, the Committee had regard to paragraph 6.34 of the Guidance, which includes:

*'Erasure will be appropriate when the behaviour is fundamentally incompatible with being a dental professional: any of the following factors, or a combination of them, may point to such a conclusion:*

- *serious departure(s) from the relevant professional standards;*
- *...*
- *where a continuing risk of serious harm to patient or other persons is identified;*
- *serious dishonesty, particularly where persistent or covered up;*
- *a persistent lack of insight into the seriousness of actions or their consequences.'*

72. The Committee was satisfied that all of the above applied in the circumstances of this case. Miss Brooks has shown little insight into her behaviour, and her conduct was a serious departure from the standards expected of dental professionals. Given these reasons, the Committee concluded that Miss Brooks' behaviour was so egregious that it was fundamentally incompatible with being a dental professional.

73. Finally, in its consideration of whether Miss Brooks should be erased from the register, the Committee bore in mind Miss Brooks had been forewarned in correspondence from the GDC that not only did the Committee have the power to proceed in her absence, but that the consequences of her non-attendance would be likely to be severely prejudicial.

74. In all the circumstances, the Committee has determined to erase Miss Brooks' name.

### **Immediate order**

75. The Committee now invites submissions from Ms Stockdale as to whether an immediate order of suspension should be imposed on Miss Brooks' registration to cover the 28-day appeal period, pending its substantive determination for suspension taking effect.

76. In reaching its decision on whether to impose an immediate order of suspension on Miss Brooks' registration, the Committee took account of Ms Stockdale's submissions that such an order should be imposed. It accepted the advice of the Legal Adviser.

77. The Committee determined that the imposition of an immediate order of suspension on Miss Brooks's registration is necessary for the protection of the public, and is otherwise in the public interest.
78. The Committee has found Miss Brooks' fitness to practise to be impaired on three statutory grounds, and it has identified ongoing public protection concerns in relation to each. In the circumstances, the Committee considered that it would be inappropriate to allow Miss Brooks to continue to practise during the appeal period, or longer in the event of an appeal. An immediate order of suspension is therefore necessary for the protection of the public.
79. The Committee further considered that public confidence in the dental profession and the regulatory process would be undermined if an immediate order of suspension were not imposed, given the nature and seriousness of the findings that have been made. Accordingly, an order is required in the wider public interest to maintain public confidence and to uphold proper professional standards.
80. The effect of the foregoing determination and this order is that Miss Brooks' registration will be suspended immediately. Unless she exercises her right of appeal, the substantive direction for Erasure, as already announced, will take effect 28 days from the date of deemed service.
81. Any interim order on Miss Brooks' registration is hereby revoked.
82. That concludes this hearing.