

PRIVATE HEARING

**Health Committee
Initial Hearing**

31 July 2024

Name: AVGERIS, Vasileios

Registration number: 274261

Case number: CAS-198761-R6V0D1

General Dental Council: Mr Sam Thomas, counsel.
Instructed by IHLPS

Registrant: Present and represented by Mr Daniel Brown, counsel.
Instructed by Slater and Gordon Solicitors

Fitness to practise: Impaired by reason of health

Outcome: Conditions imposed with a review

Duration: 18 months

Immediate order: Immediate conditions of practice order

Committee members: Anne Ng (DCP member)
Alison Mayell (Dentist member)
Chris Weigh (Lay member)

Legal adviser: Nicola Gordelier

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. This is a Health Committee (HC) hearing. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams video link. You are present and are represented by Mr Daniel Brown (Counsel). Mr Sam Thomas (Counsel) is the Case Presenter for the GDC.

Decision to hold the hearing in private

2. The Committee considered the submissions and accepted the advice of the Legal Adviser. It considered Rule 53, taking into account the public interest and fairness to you. 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 your right to a private life and therefore considered it necessary to hold the hearing entirely in private.

3. The Committee considered the hearing related entirely to a health matter. It was not possible to hear any elements in public.

4. The Committee therefore acceded to the application and determined to hold the hearing entirely 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.

FINDING OF FACT – 29 July 2024

5. It is the GDC's case that you have a health condition which adversely impacts your fitness to practise. Accordingly, the task of the Committee at this fact-finding stage, has been to decide the facts in relation to your health.

6. [IN PRIVATE]

7. [IN PRIVATE]

8. On 9 November 2021, NHS England suspended you from the NHS Performers List with immediate effect for six months; with the decision to be periodically reviewed.

9. [IN PRIVATE]

10. [IN PRIVATE]

Evidence

11. The Committee had before the documentary medical evidence relied on by the GDC.

12. [IN PRIVATE]

- Your written statement dated 2 May 2024.

13. The Committee also took into account your admission in respect of head of charge 1.

The Committee's finding

14. The Committee considered all the evidence presented to it. It took account of the opening submissions made by Mr Thomas. The Committee accepted the advice given by the independent Legal Adviser.

15. The Committee remained mindful that the burden of proof rests with the GDC in these proceedings and that the standard of proof is the civil standard, that is, whether the alleged matter is proved on the balance of probabilities.

16. The Committee's finding in relation to the sole factual allegation in this case is as follows:

1.	<p><i>You have an adverse mental or physical health condition as contained within Schedule A</i></p> <p>Admitted and found proved.</p> <p>[IN PRIVATE:].</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE:].</p> <p>[IN PRIVATE:]</p> <p>It therefore finds this charge proved.</p>
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17. The hearing now moves to Stage Two.

Stage Two of the hearing – 31 July 2024

18. The Committee's task at this second stage of the hearing has been to consider whether your fitness to practise is currently impaired by reason of your adverse health. It noted that if it found current impairment, it would need to consider what action, if any, to take in relation to your registration.

19. The Committee considered all the evidence presented to it at the fact-finding stage. It heard oral evidence from you and [IN PRIVATE]. You also answered questions from both Counsel and the Committee.

20. The Committee took account of the submissions of both parties in relation to impairment and what action should be taken in relation to your registration.

21. The Committee accepted the advice of the independent Legal Adviser. It reminded itself that its decisions were for its independent judgement. There is no burden or standard of proof at this stage of the proceedings.

The Committee's finding

22. The Committee found proved that you have a health condition specified in Schedule A to the charge [IN PRIVATE].

Summary of the submissions

23. Mr Thomas submitted that your fitness to practise is currently impaired by reason of your adverse health on the grounds of public protection and on wider public interest grounds.

24. [IN PRIVATE].

25. [IN PRIVATE:].

26. In addressing the Committee on what action to take in relation to your registration, Mr Thomas submitted that the most appropriate and proportionate course would be to impose a conditions of practice order on your registration, ensuring a level of supervision, for a period of 24 months with a review. [IN PRIVATE].

27. [IN PRIVATE].

28. Mr Brown submitted that you are afforded the protection of the Equality Act 2010. The GDC has a duty to comply with this, [IN PRIVATE].

29. [IN PRIVATE].

30. Mr Brown submitted you do not present a sufficient risk of harm to justify a finding of impairment. He submitted that the threshold of risk has not been met in this case. You have demonstrated that you are able to return to clinical practice unrestricted. Mr Brown submitted there have been no concerns raised since and testimonial from colleagues are positive.

31. Mr Brown submitted that if the Committee were minded to consider otherwise, then the most appropriate and proportionate sanction should be one of conditional registration. He referred to the GDC proposed conditions and submitted that these were not proportionate. He submitted that conditions 7, 8 and 9 are disproportionate. [IN PRIVATE]. He finally submitted that conditions 11 and 12 are too onerous, and any conditions that are imposed should be for the least period required.

Decision on current impairment

32. The Committee considered whether your fitness to practise is currently impaired by reason of your adverse health. In doing so, 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. It also took into account the Equality Act 2010.

33. [IN PRIVATE:].

34. [IN PRIVATE].

35. [IN PRIVATE].

36. [IN PRIVATE].

37. [IN PRIVATE].

38. [IN PRIVATE].

39. [IN PRIVATE]

40. The Committee, therefore, determined that your fitness to practise is currently impaired by reason of your adverse health on both the grounds of public protection and the wider public interest.

Decision on action to take in relation to your registration.

41. The Committee next considered what action, if any, to take in relation to your registration. It noted that the purpose of any action is not to be punitive, although it may have that effect, but to protect the public and to uphold 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 Committee applied the principle of proportionality, balancing the public interest with your own interests.

42. The Committee considered that some action is required in relation to your registration, given the risks that have been identified in this case. Taking no action would not serve to protect the public, nor would it address the concern about the wider public interest, particularly public confidence in the dental profession.

43. The Committee therefore considered the actions available to it, starting with the least restrictive, as it is required to do.

44. In view of its concerns about public safety and public confidence in the dental profession, the Committee decided against issuing you with a reprimand. It took into account that a reprimand does not impose any requirements on a registrant's practice and therefore should only be used in cases where a registrant is fit to continue practising without restrictions. This is not such a case.

45. The Committee went on to consider whether to impose an order of conditions on your registration. It noted the GDC proposed conditions. In its consideration, it took into account the case of *NMC v Persand (England and Wales High Court) (Administrative Court) Jan 15 2024*. The Committee was mindful that any condition imposed should be proportionate and relate to the risks identified.

46. [IN PRIVATE].

47. [IN PRIVATE].

48. In determining whether conditional registration is a necessary and proportionate response, the Committee had regard to suspension. The Committee determined that suspension would be overly punitive. Furthermore, the Committee noted the good level of insight that you have demonstrated as well as the positive testimonials submitted on your behalf and that neither the GDC nor Mr Brown on your behalf has submitted that suspension was appropriate in this case.

49. Accordingly, the Committee directs that your registration be made subject to your compliance with conditions. The period of conditional registration shall be for 18 months with a review prior to the expiry of that period.

50. The conditions will appear against your name in the Register as follows:

Public conditions

1. He must notify the GDC within 14 days of any professional appointment he accepts or is currently undertaking and provide the contact details of his employer or any organisation for which he is contracted to provide dental services.
2. He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services, and any reporter or workplace supervisor referred to in these conditions.
3. He must inform the GDC within 14 days of any formal disciplinary proceedings taken against him, from the date these conditions take effect.
4. He must inform the GDC within 14 days of any complaints made against him from the date these conditions take effect.
5. He must inform the GDC within 14 days if he applies for dental employment outside the UK.
6. He must inform the GDC if he is registered or applies for registration with any overseas regulator/relevant authority, within 14 days of the date of the application or 14 days from the date these conditions take effect if already registered.
7. At any time he is providing dental services, which require him to be registered with the GDC, he must agree to the appointment of a reporter nominated by him and approved by the GDC. The reporter shall be a GDC registrant in the same category of the register as the Registrant or higher, and work at the same practice.

He must allow the reporter to provide reports to the GDC at intervals of not more than 3 months and 14 days prior to any review hearing. The reporter's report should address, but should not be limited to, the following areas:

- Dates of meetings between the reporter and the Registrant;
 - Confirmation that the Registrant is complying with their conditions;
 - Details of any concerns about the Registrant's fitness to practise;
 - Any other information relevant to the Registrant's compliance with their conditions.
8. He must keep his professional commitments under review and limit his dental practice in accordance with his reporter's advice.
9. He must not work as a locum or undertake any out-of-hours work or on-call duties without the prior agreement of the GDC.

Private conditions

10. [IN PRIVATE].

11. [IN PRIVATE].

12. [IN PRIVATE].

13. [IN PRIVATE].

14. [IN PRIVATE].

15. [IN PRIVATE].

16. [IN PRIVATE]

Public conditions

17. He will permit other members of the dental team at his practice to contact his workplace reporter immediately if they are concerned about his fitness to practise.
18. He must inform within 14 days the following parties that his registration is subject to the conditions, listed at 1 to 17, above and provide written evidence to the GDC that this has been done:
- Any organisation or person employing or contracting with him to undertake dental work, including the full dental team with whom he is working;
 - Any prospective employer (at the time of application);
 - The Commissioning Body on whose Dental Performers List he is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application); and

- His reporter.

19. He must permit the GDC to disclose the above conditions, 1 to 18, to any person requesting information about his registration status.

Immediate order

51. The Committee now invites submissions on the imposition of an immediate order.

52. The Committee took account of the submissions made by Mr Thomas, on behalf of the GDC, that an immediate order of conditions should be imposed on your registration as it is necessary for the protection of the public, otherwise in the public interest and also in your own interests.

53. Mr Brown, on your behalf, did not oppose the making of an immediate order on your registration.

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

55. The Committee is satisfied that it is necessary for the protection of the public, otherwise in the public interest and also in your own interests that your registration be made conditional forthwith. It would be inconsistent with the decision the Committee has made not to make an immediate order.

56. The effect of this order is that your registration is now subject to the conditions set out in the Committee's determination of your case. Unless you exercise your right of appeal the substantive 18-month period of conditional registration will commence 28 days from when notification of the determination is served on you. Should you exercise your right of appeal, this immediate order shall remain in force pending the disposal of the appeal.

57. The Committee also directs that the interim order currently in place on your registration is revoked.

58. That concludes this hearing.