

**Professional Conduct Committee  
Review Hearing**

**26 January 2024**

**Name:** Siamak Akbari Baghal

**Registration number:** 287391

**Case number:** CAS-198592-C5T7C3

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**General Dental Council:** Rochelle Williams, IHLPS

**Registrant:** Represented by Lauren Griffiths MDDUS

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**Fitness to practise:** Remains currently impaired by reason of misconduct

**Outcome:** Conditions extended and varied (with a review)

**Duration:** 12 months

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**Committee members:** Philip Brown  
Louise Fletcher  
Carson Black

**Legal adviser:** Rosemary Rollason

**Committee Secretary:** Gurjeet Dhuper

1. This is a resumed hearing before the Professional Conduct Committee (PCC) pursuant to section 27C of the *Dentists Act 1984 (as amended)* ('the Act').
2. The purpose of this hearing has been for the Committee to review Mr Akbari Baghal's case and determine what action should be taken in relation to his registration. Neither party is participating in today's hearing, following a request by the GDC for the review to be conducted on the papers.
3. The Committee first considered the issues of service and whether to proceed with the hearing in the absence of Mr Akbari Baghal. The Committee accepted the advice of the Legal Adviser on these matters.

### **Decision on service**

4. The Committee considered whether notice of the hearing had been served on Mr Akbari Baghal in accordance with Rules 28 and 65 of the *General Dental Council (Fitness to Practise) Rules 2006 Order of Council* ('the Rules').
5. The Committee received from the GDC an indexed hearing bundle of 71 pages. The bundle contained a copy of the Notice of Hearing dated 13 December 2023 ('the notice'), which was sent to Mr Akbari Baghal's registered address. A copy of the notice was also sent to him by email. The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. It noted from the associated Royal Mail 'Track and Trace' receipt, also within the hearing bundle, that the notice letter had been delivered on 4 January 2024. The Committee also noted that the notice letter was sent to Mr Akbari Baghal's legal representatives on 13 December 2023.
6. The Committee was satisfied that the notice sent to Mr Akbari Baghal complied with the required 28 day notice period. It was also satisfied that it contained proper notification of today's hearing, including its date and time, as well as confirmation that the hearing would be held remotely via Microsoft Teams. Mr Akbari Baghal was further notified that the Committee had the power to proceed with the hearing in his absence.
7. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Mr Akbari Baghal in accordance with the Rules and the Act.

### **Decision on whether to proceed with the hearing in the absence of Mr Akbari Baghal**

8. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Akbari Baghal. It approached this issue with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision, as set out in the cases of *R v Jones [2003] 1 AC 1HL* and as explained in the cases of *General Medical Council v Adeogba [2016] EWCA Civ 162* and *GMC v Visvardis*. The Committee remained mindful of the need to be fair to both Mr Akbari Baghal and the GDC, taking into account the public interest in the expeditious review of this case.

9. The Committee had regard to a letter dated 28 December 2023 from Mr Akbari Baghal's legal representatives. Within this letter, Mr Akbari Baghal's representatives state that "*Mr Baghal will not in attending the review hearing and will not be represented in his absence.*"
10. The Committee concluded that Mr Akbari Baghal is aware of today's hearing and had voluntarily absented himself. The Committee noted there was no information before it to indicate that an adjournment was likely to secure his attendance on a future date.
11. In all the circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Mr Akbari Baghal and on the papers.

### **Background to Mr Akbari Baghal's case**

12. In January 2023 an initial PCC found that Mr Akbari Baghal's fitness to practise to be impaired by reason of misconduct, summarising the background to the case as follows in its determination:

*"The Committee noted that Mr Akbari Baghal failed to provide an adequate standard of care to 19 patients between February and May 2021 in relation to basic fundamental components of dentistry, including, but not limited to, obtaining consent, record keeping, radiographic practice, clinical examination, and diagnosis and management of caries and periodontal disease. The Committee was satisfied that these failures had the potential to result in patient harm.*

...

*The Committee concluded that the individual failings identified are capable of remediation. It took into account that at the time of the failings, Mr Akbari Baghal had been working under a mentor who had not raised any concerns with his practice but that Mr Akbari Baghal has since accepted that he failed to provide adequate care to patients.*

*In the absence of written reflection or attendance by Mr Akbari Baghal, the Committee was not able to ascertain what, if any, remediation has been undertaken to date. It noted that the CPD provided by Mr Akbari Baghal, with the exception of a record keeping module in October 2021, was completed prior to the time frame in question and is not focused on the misconduct identified. Further, Mr Akbari Baghal only worked for a short period in 2021 before moving abroad, so would have had little time to implement changes to his practice. In addition, the Committee noted that he is no longer practising as a dentist and as a result his clinical skills may be diminishing.*

*The Committee accepted that Mr Akbari Baghal's admissions and acceptance of the Expert report are indicative of insight. There is no information demonstrating that he has fully understood the seriousness of his misconduct, or the impact on the public interest.*

*In the light of this, the Committee was satisfied that Mr Akbari Baghal's insight remains incomplete and there remains a risk of repetition. Therefore, a finding of impairment is necessary on the grounds of public protection.*

*The Committee bore in mind the overarching objective to maintain public confidence in the profession and upholding standards. It concluded that public confidence would be undermined if a finding of impairment were not made in this case and therefore also finds Mr Akbari Baghal's practice impaired on the grounds of public interest."*

13. The initial PCC determined to impose conditions on Mr Akbari Baghal's registration for a period of 12 months with a review.

### **Today's review**

14. Today is the first review of the PCC substantive order. In comprehensively reviewing this case today, the Committee took account of the written submissions provided by the GDC and those provided by Mr Akbari Baghal's legal representatives. It accepted the advice of the Legal Adviser.
15. In its written submissions, the GDC submits that Mr Akbari Baghal's fitness to practise remains impaired by reason of his misconduct as in the absence of any evidence of remediation relating to his misconduct there remains a high risk of repetition and therefore a risk of harm to patients. As such, an informed member of the public would be surprised if current impairment was not found. The GDC submits that given that Mr Akbari Baghal has not meaningfully engaged with the fitness to practise process, it can be argued that the order of conditions is no longer appropriate and should be replaced with a suspension order. It is the GDC's submission that an order of conditions is no longer workable and would not serve to protect the public or the wider public interest. In the circumstances of this case, the GDC submitted that it would be appropriate and proportionate to replace the order of conditions with an order of suspension for a period of 12 months with a review.
16. In their letter dated 28 December 2023, Mr Akbari Baghal's legal representatives stated that *"Mr Baghal does not practise dentistry in the UK or abroad and has not done so since prior to the substantive order of conditions was imposed on his registration by the initial PCC in January 2023. Mr Baghal has no immediate intention of practising dentistry or returning to the UK; he currently works in an area away from dentistry and is enjoying this role. Mr Baghal is aware of the directions available to the Committee at this review hearing..."*

### **Current Impairment**

17. In considering whether Mr Akbari Baghal's fitness to practise is currently impaired by reason of his misconduct the Committee has borne in mind that this is a matter for its own independent judgement. It has also had regard to its duty to protect the public, to declare and uphold proper standards of conduct and competence and to maintain public confidence in the profession. The Committee bore in mind that at a review hearing the onus is on a registrant to demonstrate that their fitness to practise is no longer impaired.
18. The Committee noted that Mr Akbari Baghal was sent notification of the outcome on 12 January 2023 and that he returned his signed conditions compliance table on 29 January

2023. It had regard to the letter provided by Mr Akbari Baghal's legal representatives and took into account that Mr Akbari Baghal is not practising dentistry, has no intention to return to clinical practice and currently resides abroad.

19. The Committee noted that there is no evidence before it to demonstrate any material change since the initial hearing in January 2023. There is no evidence before this Committee that Mr Akbari Baghal has addressed his past conduct and provided any evidence of remediation. It considered that Mr Akbari Baghal has not yet demonstrated sufficient insight into his misconduct.
20. Given Mr Akbari Baghal's lack of remediation the Committee determined that a finding of current impairment is required to protect patients. The Committee was of the view that a finding of current impairment was also in the public interest in order to maintain public confidence and uphold the standards of the profession. It was also of the view that a fully informed member of the public aware of the initial findings made would be concerned if a finding of current impairment was not made.
21. The Committee therefore determined that Mr Akbari Baghal's fitness to practise remained currently impaired by reason of his misconduct as found in January 2023.

### **Sanction**

22. The Committee next considered what direction, if any, to make. It has had regard to the GDC's "Guidance for the Practice Committees including Indicative Sanctions Guidance" (Effective October 2016, revised December 2020).
23. The Committee has borne in mind the principle of proportionality, balancing the public interest against Mr Akbari Baghal's own interests. The public interest includes the protection of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct and performance within the profession.
24. In view of the identified risk of repetition, the Committee did not consider it appropriate to terminate the current order of conditions and take no further action, or to allow the order to lapse. Such a course would not serve to protect the public, nor would it satisfy the wider public interest.
25. The Committee next considered whether to maintain an order of conditions on Mr Akbari Baghal's registration for a further specified period. The Committee was satisfied that conditional registration could address the types of failings that have been identified. It considered whether conditional registration remained appropriate and proportionate in the particular circumstances of this case, taking into account the risks identified and his absence from practice for at least one year.
26. The Committee had regard to the information stating that Mr Akbari Baghal is not currently practising dentistry and no longer resides in the UK. It noted the GDC's written submission that Mr Akbari Baghal's conditions have not taken effect due to his non-practice as a dentist

and that there has been no engagement from him. However, the Committee was of the view that the conditions have taken effect and there has been no evidence of non-compliance. The Committee notes that on the 29 January 2023 Mr Akbari Baghal returned a signed conditions table. This indicated that there is evidence of engagement and a willingness by Mr Akbari Baghal to comply with his conditions as and when they arise. The fact that Mr Akbari Baghal has decided to stop practising and has not notified the GDC within seven days of any professional appointment he accepts or is currently undertaking does not indicate his non-compliance with his conditions to the Committee. Mr Akbari Baghal is compliant with them in that he has indicated his intention of complying with any conditions as and when it should arise. At present none have arisen as Mr Akbari Baghal is not in practice. Further, throughout this process, Mr Akbari Baghal's representatives have been asked to confirm his practice status and have done so on his behalf.

27. In reaching its decision, the Committee took into account Mr Akbari Baghal's continued albeit limited engagement with the fitness to practise process through his legal representatives, and his demonstrated willingness to comply with conditional registration in signing his conditions compliance table on 29 January 2023. The Committee decided that a further period of 12 months with a review would help to focus Mr Akbari Baghal on his efforts at remediation should he wish to return to dentistry. It balanced his interests with the wider public interest, and considered that it should impose a period of time that would help to focus Mr Akbari Baghal as well as minimising the risk of this matter drifting further. Therefore, a period of 12 months would afford Mr Akbari Baghal sufficient time and opportunity to allow him to complete his remediation and demonstrate his compliance with the conditions if he decides to return to the UK and practice dentistry again.
28. The Committee reviewed the current conditions and decided to make one variation to the level of supervision to address the risks identified. This variation being 'close supervision' in condition 7. The Committee notes that the initial PCC found wide ranging failures in Mr Akbari Baghal's practice and that there remains a risk of repetition. The impact of this on patient safety may have increased in the intervening period due to Mr Akbari Baghal having not practised for at least one year. The Committee acknowledges that close supervision would restrict Mr Akbari Baghal's practice further, however it was of the view that in this particular case it is necessary and reasonable. It also took into account his limited experience of UK dentistry.
29. Accordingly, the Committee determined to vary and extend the current order of conditions on Mr Akbari Baghal's registration. It took into account its duty to impose the least restriction necessary in all the circumstances, and it was satisfied that a further period of conditions would be sufficient to protect the public and the wider public interest.
30. The Committee did consider if the option of suspension would be more appropriate. However, the Committee considered that the current conditions on Mr Akbari Baghal's registration are sufficient to address the risks in this case and that an order of suspension would be disproportionate in all the circumstances.

The following conditions will appear on Mr Akbari Baghal's registration:

- 1) He must notify the GDC within seven days of any professional appointment he accepts or is currently undertaking and provide the contact details of his employer, any organisation for which he has a contract or arrangement to provide dental services and all the NHS regional teams/Health Boards with whom he has an arrangement, either as a contract holder or by being on their Dental Performers' List.
- 2) He must allow the GDC to exchange information with his employer, any organisation for which he has a contract or arrangement to provide dental services and all the NHS regional teams/Health Boards with whom he has an arrangement.
- 3) He must inform the GDC within seven days of any formal disciplinary proceedings taken against him from the date these conditions take effect.
- 4) He must inform the GDC within seven days of any complaints made against him from the date these conditions take effect.
- 5) He must inform the GDC within seven 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 seven days of the date of the application or seven days from the date of this determination if already registered.
- 7) At any time he is employed, or providing dental services, which require him to be registered with the GDC, he must place himself and remain under the close supervision\* of a workplace supervisor nominated by himself and agreed by the GDC.
- 8) He must meet with his workplace supervisor every week for one-to-one case-based discussions. These discussions should focus on the areas of concern identified in condition 9, below. These weekly meetings may take place face-to-face or remotely.
- 9) He must undertake audits of:
  - Clinical examination;
  - Diagnosis, treatment planning, and management of periodontal disease;
  - Diagnosis, treatment planning, and management of caries;
  - Radiographic practice;
  - Consent; and
  - Record keeping.

These audits must be approved and signed by his workplace supervisor on a monthly basis.

- 10) He must allow his workplace supervisor to provide reports to the GDC every three months (and 14 days in advance of any review of these conditions). The workplace supervisor should provide information and/or feedback relating to the concerns raised in condition 9), above.
- 11) He must provide a copy of the audits referred in condition 9) to the GDC every three months (and 14 days in advance of any review of these conditions).
- 12) He must inform within seven days the following parties that his registration is subject to the conditions, listed at 1) to 11) above:
  - Any organisation or person employing or contracting with him to undertake dental work;
  - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application);
  - Any prospective employer (at the time of application);
  - The Commissioning Body or on whose Dental Performers List he is included or seeking inclusion (at the time of application); and
  - His workplace supervisor.
- 13) He must permit the GDC to disclose the above conditions 1) to 12) to any person requesting information about his registration status.

*\*Closely supervised: the workplace supervisor must supervise the registrant's day-to day work in a way prescribed in the relevant condition or undertaking. The workplace supervisor must always be on site and available when the registrant is working. Where the workplace supervisor is unavailable through illness or planned absence, the registrant must not work unless an approved alternative workplace supervisor is in place. The workplace supervisor must review the registrant's work at least once a week in one-to-one meetings using case-based discussions. These meetings must focus on all areas of concern identified by the conditions or undertakings. These meetings can be in person or via video conferencing. [The frequency of reviewing meetings has been amended from the usual definition of close definition.]*

31. A Committee will review Mr Akbari Baghal's case at a resumed hearing to be held shortly before the end of this period of conditional registration. That Committee will consider what action to take in relation to his registration. He will be informed of the date and time of that resumed hearing.
32. Unless Mr Akbari Baghal exercises his right of appeal, this order will take effect 28 days from the date that notice is deemed to have been served upon him, but the 12 months will run from the time the existing order would have expired.



33. In the event that Mr Akbari Baghal does lodge an appeal, the current order of conditions will remain in place until the conclusion of the appeal.

34. That concludes this determination.