

**HEARING HEARD IN PUBLIC**

**TOMANOVA, Nikol Tomanova**

**Registration No: 287572**

**PROFESSIONAL CONDUCT COMMITTEE**

**FEBRUARY – MARCH 2023**

**Outcome: Erased with Immediate suspension**

TOMANOVA, Nikol Tomanova, dental nurse, Diploma in Dental Nursing Level 3 QCF City & Guilds 2019, was summoned to appear before the Professional Conduct Committee on 28 February 2023 for an inquiry into the following charge:

**Charge**

“That being registered as a dental care professional, your fitness to practise is impaired by reason of misconduct.

In that:

1. When applying to join the joint Eastman Dental Hospital ('EDH') and London Southbank University ('LSBU') BSc Dental Hygienist programme, you declared that you had been awarded the following A-Levels: Biology with Grade A, Chemistry with Grade B, and Mathematics with Grade B.
2. Your conduct in relation to charge 1 was:
  - (a) Misleading and/or;
  - (b) Dishonest in that you knew that you had not been awarded the A-Levels.
3. In the course of your application, you:
  - (a) Provided an A-Level qualification certificate in support of your application;
  - (b) Stated that a spelling error in the certificate at charge 3(a) had impacted all the certificates issued to your cohort;
  - (c) Provided a further A-Level qualification certificate, which did not contain the spelling error.
4. Your conduct in relation to charge 3(a), and/or 3(b) and/or 3(c) was:
  - (a) Misleading and/or;
  - (b) Dishonest in that you knew the A-Level certificates that you provided were false.

AND that by reason of the matters alleged above, your fitness to practice is impaired by reason of misconduct.”

Ms Tomanova did not attend and was not represented at the hearing. On 28 February 2023, the Chairman made a statement regarding proof of service and finding of fact to the Counsel for the GDC:

**“FINDINGS OF FACT – 28 February 2023**

This hearing was conducted remotely using Microsoft Teams.

The allegations against Ms Tomanova relate to her submitting false A-Level qualification certificates in support of an application for a joint Eastman Dental Hospital (‘EDH’) and London Southbank University (‘LSBU’) BSc Dental Hygienist programme.

*Service and absence*

Ms Tomanova was neither present nor represented at the hearing.

Ms Bird, on behalf of the General Dental Council (GDC), submitted that the notification of hearing had been served on Ms Tomanova in accordance with the requirements of the General Dental Council (Fitness to Practise) Rules 2006 (the “Rules”), and that the hearing should proceed in her absence.

The Committee accepted the advice of the Legal Adviser on the requirements of service and proceeding in absence.

The first consideration for the Committee was whether the notification of hearing had been served on Ms Tomanova in accordance with the requirements of the Rules.

The notification of hearing was sent to Ms Tomanova on 20 January 2023 to her registered address by both first class post and Special Delivery. Royal Mail tracking information records that the Special Delivery item was delivered on 21 January 2023, signed for under the name “TOMANOV”.

The Committee was satisfied that the notification of hearing had been sent with at least 28 days’ notice, that it contained the required information under Rule 13 of the Rules, including the time, date and (remote) venue of this hearing, and that it had been served on Ms Tomanova in accordance with the requirements of Rule 65 of the Rules.

A link to download a copy of the notification of hearing was also sent to Ms Tomanova on 20 January 2023 by email. There is a record of the link being accessed by the recipient later the same day to download the notification of hearing.

The next consideration for the Committee was whether the hearing should proceed, notwithstanding Ms Tomanova’s absence. This is a discretion which must be exercised with great care and caution.

Ms Bird confirmed to the Committee that the link to join this remote hearing had been sent to Ms Tomanova.

The Committee received a Telephone Attendance Note prepared by the GDC of its attempts to contact Ms Tomanova by telephone to discuss whether she would be attending and/or represented at this hearing. The GDC attempted to telephone Ms Tomanova on a total of six occasions throughout 27 February 2023 but the call disconnected without any option to leave a voicemail message.

The notification of hearing dated 20 January 2023 stated “*In accordance with Rule 13, you are required to confirm whether you will be attending the hearing and/or whether you will be represented*” and asked her to confirm this by 27 January 2023.

The notification of hearing also informed Ms Tomanova that she could attend the hearing “in person, by telephone or by video-link” and that:

“If you are not present then you will not have an opportunity to challenge the Council’s witnesses (if any) on any points of their statements that you do not agree with or ask them about any other matters that you may consider to be relevant. You will also not have the opportunity to give your own evidence in relation to the allegations or make oral submissions to the Committee.

**As a result, if you do not attend the hearing this is likely to be severely prejudicial to your case and may lead to a more severe sanction being imposed by the Committee.”**

The Committee was satisfied that the GDC had made all reasonable efforts to send notice of this hearing to Ms Tomanova. There had been no response or engagement from her regarding her attendance or otherwise at this hearing. Ms Bird informed the Committee that the last contact received from Ms Tomanova was in September 2022 in the lead up to an earlier listing of this hearing, which was postponed for reasons which are not before this Committee. The Committee also noted that Ms Tomanova had also attended the Interim Orders Committee (IOC) hearing on 23 June 2021 and therefore had some understanding of what her attendance would entail.

In the absence of any contact from Ms Tomanova, including any application for a postponement or adjournment, the Committee concluded that there was nothing to suggest that adjourning the hearing today would make her attendance any more likely at a future date. The Committee had regard to the fact that this hearing had already been postponed (for whatever reason) last year and that there is a statutory duty on the Committee to ensure the expeditious disposal of proceedings. In the absence of any engagement from Ms Tomanova, the Committee determined that it would be fair and in the public interest to proceed with the hearing, notwithstanding her absence.

#### *The factual inquiry*

The Committee then commenced its factual inquiry. The Committee received witness statements from the following witnesses relied upon by the GDC:

- Ms Parker, Deputy Director for Dental Hygiene and Therapy at University College London Hospitals NHS Foundation Trust (UCLH);
- Mr Hingston, Compliance Senior Manager for Oxford Cambridge and RSA Examination [sic] (OCR);
- Ms Drinkwater, Admissions Manager at LSBU.

The Committee also received a copy of Ms Tomanova's undated written observations to the Case Examiners and the transcript of the IOC hearing on 23 June 2021, where she had represented herself and provided an account in relation to the allegations which are now before this Committee.

The Committee heard the submissions made by Ms Bird.

The Committee accepted the advice of the Legal Adviser on the factual inquiry.

The burden is on the GDC to prove each allegation on the balance of probabilities.

The Committee accepted the evidence contained in the uncontested witness statements of Ms Parker, Mr Hingston and Ms Drinkwater, which were largely statements made in the course of their employment, producing documents.

### *Findings*

Ms Tomanova first registered with the GDC on 9 February 2020 as a dental nurse. By an application form dated 17 October 2020, she applied for the BSc Dental Hygienist programme. In that form, she declared that she had obtained the following A-Level qualifications in 2018 from "Woodhouse College": Biology (Grade A), Chemistry (Grade B) and Mathematics (Grade B). This level of qualification was an entry requirement for the programme. Ms Tomanova would not otherwise have met the requirement based on her GCSE qualifications alone.

Ms Tomanova was shortlisted for a place on the programme and was subsequently interviewed. As part of the admissions process, she was asked to make an application through the Universities and Colleges Admissions Service (UCAS) and to submit copies of her qualification certificates.

Ms Tomanova emailed Ms Drinkwater on 16 March 2021 attaching a copy of an A-Level qualification certificate awarding her the A-Levels and grades which she had declared in her application. The certificate purported to be issued by OCR, with the Awarding Institute being stated as "CITY AND ISLINGTON [sic] COLLEGE (CENTRE OF APPLIED SCIENCES)".

There was a discrepancy between the "Place of Study" which Ms Tomanova had declared on the application form ("Woodhouse College") and the "Awarding Institute" which was stated on the certificate ("CITY AND ISLINGTON [sic] COLLEGE (CENTRE OF APPLIED SCIENCES)"). In addition, the placename "Islington" was spelled incorrectly on the certificate.

Ms Drinkwater replied to Ms Tomanova on 16 March 2021 to, among other things, point out the spelling error in the certificate and to ask: *“Are you able to get City and Islington College to verify your certificate and results?”*. Ms Tomanova replied on 18 March 2021, stating: *“...my A-level certificate spelling mistake, this was a mistake made across the board for that summer examination therefore we all received replacement certificates shortly after it was notices [sic] by the awarding institution.”* She attached an amended copy of the A-Level qualification certificate which no longer contained the spelling error.

In the intervening period, Ms Drinkwater had also emailed UCAS on 16 March 2021 to ask them to verify the A-Level certificate in light of her concerns regarding the spelling error on the certificate and the format of the certificate. She followed this up with a further email on 18 March 2021 providing UCAS with the amended certificate which Ms Tomanova had now provided.

UCAS investigated the authenticity of the two certificates with OCR, who confirmed that both certificates were fraudulent.

On 26 March 2021, UCAS emailed Ms Drinkwater to confirm that they had *“received confirmation from OCR that the certificates were not genuine”* and that Ms Tomanova’s UCAS application had therefore been cancelled. Mr Hingston’s witness statement was before the Committee confirming that the two certificates were fraudulent.

As part of the ensuing investigation by the GDC into her fitness to practise, Ms Tomanova provided written observations to the Case Examiners. In those observations she set out, in mitigation, difficult personal circumstances which she had experienced at the time and stated that she had acted “out of character”. She went on to state:

*“...I admit that my actions were wrong, inappropriate and have caused concerns about my fitness to practice [sic] as a dental care professional.*

*This would never happen again and I am already looking through different courses to get myself the relevant qualifications in order to exceed my career in the dental world.*

*I would never again consider providing false or misleading information to any institution as it will lead to no good and it will ruin my chances for my future...”*

At the IOC hearing on 23 June 2021, Ms Tomanova is recorded in the transcript as stating:

*“...I didn’t really make this informed decision about presenting this certificate to London South Bank University and Eastman Dental Hospital as I was misled by a friend of mine who is also a professional but in a different field. I advised her that this was the general requirement and I said, you know, I must now withdraw my application as I do not hold these. Afterwards she advised that she had used the*

*certificate similar to the one I provided and had managed to apply and get in university placement.*

*She did offer then to get the certificate for me, which I paid for, of course. So then she reassured me that there's no way this certificate can be found false and that, you know, any issues will be raised after using such a documentation. Stupidly I believed and quite quickly realised that it was the wrong choice of mine. I really regret that decision.*

*Unfortunately, it is now done, however I have never in my career or professional practise [sic] misled an employer or a patient or have provided any false information about myself or my qualifications.*

*Yeah, now I have applied for an access diploma in order to get relevant qualifications for future applications and I would never do this thing again..."*

I will now announce the Committee's findings in relation to each head of charge:

1.	<p><i>When applying to join the joint Eastman Dental Hospital ('EDH') and London Southbank University ('LSBU') BSc Dental Hygienist programme, you declared that you had been awarded the following A-Levels: Biology with Grade A, Chemistry with Grade B, and Mathematics with Grade B.</i></p> <p><b>Found proved.</b></p>
2.	<p><i>Your conduct in relation to charge 1 was:</i></p>
2.(a)	<p><i>Misleading and/or;</i></p> <p><b>Found proved.</b></p> <p>Ms Tomanova did not in fact hold the A-Level qualifications which she had declared as part of her application. This was misleading to those assessing her application, as it would have caused them to conclude as part of the admissions process that she held a level of qualification which she did not in fact possess and that she in any event met the entry requirements for the programme when she did not in fact hold the required level of qualification.</p>
2.(b)	<p><i>Dishonest in that you knew that you had not been awarded the A-Levels.</i></p> <p><b>Found proved.</b></p> <p>The Committee determined that Ms Tomanova knew she had not been awarded the A-Levels when declaring these as part of her application. The Committee determined that the reason she did so was to deceive those assessing her application into concluding that she met the entry requirements for the programme. Such conduct would clearly be regarded as dishonest by the objective standards of ordinary decent people.</p>



3.	<i>In the course of your application, you:</i>
3.(a)	<i>Provided an A-Level qualification certificate in support of your application;</i> <b>Found proved.</b>
3.(b)	<i>Stated that a spelling error in the certificate at charge 3(a) had impacted all the certificates issued to your cohort;</i> <b>Found proved.</b>
3.(c)	<i>Provided a further A-Level qualification certificate, which did not contain the spelling error.</i> <b>Found proved.</b>
4.	<i>Your conduct in relation to charge 3(a), and/or 3(b) and/or 3(c) was:</i>
4.(a)	<i>Misleading and/or;</i> <b>Found proved.</b> <p>The Committee determined that Ms Tomanova's conduct in respect of each of these charges was misleading. Both of the A-Level certificates which she had submitted were forged and she had not in fact been awarded the corresponding qualifications. The explanation she had given to Ms Drinkwater for the spelling error on the first certificate was false: the reason for the spelling error was that the certificate had been forged and not because of a spelling error which had impacted all the certificates issued to her cohort.</p>
4.(b)	<i>Dishonest in that you knew the A-Level certificates that you provided were false.</i> <b>Found proved.</b> <p>The Committee determined that Ms Tomanova's conduct in respect of each of these charges was dishonest. She knew that the certificates she had provided were false. She had paid another person to forge those documents so that she could submit them as evidence in support of the A-Level qualifications which she had earlier falsely declared as part of her application. She had deliberately given a false explanation to Ms Drinkwater for the spelling error in the first certificate to cover up the fact that the certificate had been forged and that she did not in fact hold the A-Level qualifications which she had declared as part of her application. Such conduct would clearly be regarded as dishonest by the objective standards of ordinary decent people.</p>

We move to Stage Two."

On 28 February 2023, the Chairman announced the determination as follows:

“In October 2020 Ms Tomanova, who was registered as a dental nurse at the time, applied for entry onto a BSc Dental Hygienist programme. She falsely declared in her application that she had obtained the following A-Level qualifications: Biology (Grade A), Chemistry (Grade B) and Mathematics (Grade B).

During the final stages of the admissions process Ms Tomanova was asked to submit copies of her qualification certificates, which she did by email on 16 March 2021. The certificates which she submitted included a forged A-Level qualification certificate for the subjects and grades which she had declared as part of her application. The certificate contained a spelling error which caused the Admissions Manager for the London South Bank University to query the document. In response, Ms Tomanova stated in an email on 18 March 2021 that the spelling mistake “*was a mistake made across the board for that summer examination therefore we all received replacement certificates shortly after it was notices [sic] by the awarding institution.*” She attached an amended copy of the A-Level qualification certificate which no longer contained the spelling error.

The Admissions Manager referred both certificates to UCAS so that the authenticity of those documents could be investigated. Both certificates were found to be fraudulent. There followed an investigation by the General Dental Council (GDC) into Ms Tomanova’s fitness to practise as a dental nurse, during which she explained that she had falsely declared that she held the A-Level qualifications in question as she did not otherwise meet the academic entry requirements for the programme. She explained that, when asked to provide a copy of her qualification certificates, she paid another person to forge the A-Level certificate so that she could submit this.

By falsely declaring in her application that she held the A-Level qualifications in question and by later submitting the two forged certificates as proof of those qualifications, Ms Tomanova had acted dishonestly. She had also acted dishonestly by stating to the Admissions Manager that the spelling error in the first certificate impacted all the certificates issued to her cohort.

*Stage two of hearing: 1 March 2023*

The role of the Committee at this stage of the proceedings is to decide whether the facts found proved (or any of them) amount to misconduct and, if so, whether Ms Tomanova’s fitness to practise as a dental nurse is currently impaired by reason of that misconduct. If the Committee finds current impairment, it shall then decide on what action, if any, to take in respect of Ms Tomanova’s registration.

Ms Bird, on behalf of the GDC, submitted that the facts found proved amount to misconduct and that Ms Tomanova’s fitness to practise as a dental nurse is currently impaired by reason of that misconduct. She submitted that the appropriate outcome in this case is erasure.



A copy of the Committee's findings of fact determination was sent to Ms Tomanova by email yesterday afternoon by the Committee Secretary. The email contained an explanation of what this stage of the hearing would involve and what the GDC's submission on sanction would be. This was so that Ms Tomanova might choose to participate at this stage of the hearing and provide the Committee with any evidence or submissions that she might wish to make. However, there was no response from her and so the Committee continued to proceed with the hearing in her absence and determined this case without the advantage of her engagement.

The Committee accepted the advice of the Legal Adviser.

The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, last revised December 2020).

### *Misconduct*

Misconduct is a serious departure from the standards reasonably expected of a dental professional. In the context of the charges which have been found proved, it can be characterised as conduct which involves moral blameworthiness, or which might attract a degree of opprobrium.

In the Committee's judgement, the facts found proved amount to serious breaches of the following fundamental standards from the GDC's *Standards for the Dental Team* (September 2013):

#### 1.3 You must be honest and act with integrity

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

By falsely declaring in her application that she held the A-Level qualifications and submitting the forged qualification certificates, Ms Tomanova had acted in a way which was capable of bringing the reputation of the profession into disrepute. She made a false declaration and provided forged documents to gain entry onto a programme of study which would have led to registration with the GDC as a dental hygienist. She did so because the level of qualification which she in fact held would not have met the entry requirements for the programme.

Ms Tomanova's dishonesty was repeated and sustained over a period of several months. In October 2020 she falsely declared in the application form for the BSc Dental Hygienist programme that she held the A-Level qualifications in question. In March 2021, during the final stages of the admissions process, she was asked for her qualification certificates. At this stage she had the opportunity to draw a line under her dishonesty and to withdraw her application. Instead, she arranged for an A-Level qualification certificate to be forged for her so that she could submit this in support of her application. When the spelling error on the certificate was queried with her by the Admissions Manager, she persisted in her dishonesty by arranging for another certificate to be forged to correct the spelling error. She then submitted this to the Admissions Manager with a false explanation that the spelling error had

impacted all certificates issued to her cohort and that replacement certificates had been issued by the awarding body to correct this.

In the Committee's judgement, the facts found proved clearly amount to misconduct.

### *Impairment*

In deciding whether Ms Tomanova's fitness to practise as a dental nurse is currently impaired by reason of misconduct, the Committee had regard to whether her misconduct is remediable, whether it had been remedied and the risk of repetition. The Committee also had regard to the wider public interest, which includes the need to uphold and declare appropriate standards of conduct and behaviour, so as to maintain public confidence in the profession and its regulation.

The misconduct in this case involved repeated and sustained acts of dishonesty, which goes to Ms Tomanova's character and is therefore very difficult to remedy in the Committee's judgement.

The Committee considered that Ms Tomanova's conduct was so serious and disgraceful that it clearly brings the reputation of the profession into disrepute.

The dishonesty in this case involved a high degree of premeditation, as it involved the forgery of official documents and lying about why there was a spelling error in an attempt to cover up the forgery. Her dishonesty only came to an end because the forgery was detected as part of the admissions process. Her dishonesty was not limited to a spontaneous act but was calculated and sophisticated.

The Committee further considered that Ms Tomanova's dishonesty had the potential to put patient safety at risk, as she was not in fact qualified to join the programme of study which would have led to her registration as a dental hygienist that would have allowed her after qualification to treat patients unsupervised.

There was no evidence before the Committee of any adequate insight, remediation and remorse, owing to Ms Tomanova's lack of engagement at this hearing. The only evidence before the Committee relating to her remediation were her undated written observations to the Case Examiners and her oral submissions to the Interim Orders Committee (IOC) on 23 June 2021, as recorded in the transcript of that hearing. Whilst she acknowledged wrongdoing and stated that such conduct would not be repeated, there was little in her brief statements to demonstrate any genuine remorse and any real understanding of the seriousness and unacceptability of her misconduct.

There was no evidence of any corrective steps taken by her (although the Committee noted her stated intention to enrol on an access course in order to gain the required level of qualification to train as a dental hygienist) and there was no evidence that she had acted under duress when making her false declaration and when later submitting forged documents in support of the false declaration. She could instead, as she is now purporting to do, have first completed an access course in order to meet the entry requirements for the BSc Dental Hygienist programme. Rather, she

made the false declaration and arranged for a qualification certificate to be forged in order to short-circuit the admissions process and to gain entry onto a programme without the required level of qualification.

In the absence of any adequate evidence of insight, remediation and remorse, the Committee concluded that it could not be satisfied that Ms Tomanova is highly unlikely to repeat her dishonesty. She has not remedied her misconduct and there remains a real risk that she would make false declarations in future and that she would falsify documents if this were to be in her interests. This gives rise to a high degree of risk to the public and to wider public confidence in the profession.

Accordingly, the Committee determined that Ms Tomanova's fitness to practise as a dental nurse is currently impaired both in relation to public protection and in the wider public interest.

### *Sanction*

The purpose of a sanction is not to be punitive, although it may have that effect, but to protect the public and to maintain public confidence in the profession and its regulation.

The Committee considered the aggravating and mitigating factors present in this case.

The aggravating factors include repeated acts of calculated and sophisticated dishonesty, sustained over a period of months in order to deceive and short-circuit the admissions process for training to qualify as a dental hygienist. In addition, Ms Tomanova demonstrates a lack of full insight into her misconduct.

In mitigation, the Committee recognised Ms Tomanova's relatively young age and that she has no other fitness to practise history (albeit she had only recently become registered with the GDC as a dental nurse before engaging in the dishonest acts which are the subject of these proceedings).

The Committee considered sanction in ascending order of severity.

To conclude this case with no further action or a reprimand would be wholly inappropriate in the Committee's judgement, as it would not serve to protect the public or to mark the seriousness of Ms Tomanova's misconduct.

The Committee next considered whether to direct that Ms Tomanova's registration be made subject to her compliance with conditions for a period of up to 36 months, with or without a review. The Committee could not identify any conditions which would be workable, measurable and proportionate. This is because of the nature of Ms Tomanova's misconduct, which relates to acts of dishonesty, including the forgery of documents. The Committee could identify no conditions which could address the dishonesty found proved in this case. Further, the Committee could not be satisfied that Ms Tomanova would comply with any conditions on her registration, as she has not engaged with this hearing.

In addition, conditions of practice would not in any event be sufficient to mark the seriousness of the misconduct.

The Committee next considered whether to direct that Ms Tomanova's registration be suspended for a period of up to 12 months, with a review. The Committee recognised that a period of suspension would serve to protect the public for the duration of the suspension. However, the Committee could not be satisfied that suspension would result in further insight, remediation or remorse being demonstrated by Ms Tomanova, owing to her lack of engagement. The Committee noted that the order of suspension imposed by the IOC of 23 June 2021 did not appear to have the effect of encouraging Ms Tomanova to fulfil her obligation of engaging with the GDC; nor was there any evidence that she had used this time to proceed with her aim of further qualification through honest means. The Committee concluded that any reviewing Committee in up to 12 months' time would be in no different a position to the Committee today in terms of these matters.

Further, the level of dishonesty demonstrated by Ms Tomanova was so serious as to breach fundamental tenets of the profession and to bring the profession into disrepute. In the absence of any engagement from her at this stage of the proceedings to demonstrate insight, remediation and remorse, serious damage would be caused to public confidence in the profession and its regulation were any lesser sanction than erasure to be imposed.

Having regard to all the circumstances, the Committee determined that the only appropriate and proportionate outcome in this case is that of erasure.

Accordingly, the Committee directs that the name of Nikol Tomanova be erased from the DCP register under the title of dental nurse.

The Committee now invites submissions on the question of an immediate order."

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"The interim order of suspension on Ms Tomanova's registration is hereby revoked in accordance with section 36P(10) of the Dentists Act 1984 (the "Act"). In accordance with section 36P(11) of the Act, the revocation will not take effect until (whichever is sooner) an immediate order is made or upon the expiry of the 28 day appeal period (or later, if there is an appeal).

The Committee determined that it is otherwise in the public interest to order that Ms Tomanova's registration be suspended immediately under section 36U(1) of the Act. It would be inconsistent with the determination the Committee has announced not to make an immediate order.

The effect of this immediate order is that Ms Tomanova's registration will be immediately suspended from the time that notification of this decision is served on her. Unless she exercises her right of appeal, her name will be erased from the DCP

register under the title of dental nurse 28 days later. Should she exercise her right of appeal, this immediate order shall remain in force pending the disposal of the appeal. That concludes the hearing.”