

PRIVATE HEARING**Health Committee
Initial Hearing****27-28 May 2025****Name:** Harris, Neil**Registration number:** 64489**Case number:** CAS- 206561- C0T9D6

General Dental Council: Ms Sian Priory, counsel.
Instructed by IHLPS**Registrant:** Not Present and unrepresented

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

Committee members: Carson Black (Chair and Dentist member)
Olivia Kimber (DCP member)
Chris Weigh (Lay member)**Legal adviser:** Graeme Dalgleish**Committee Secretary:** Jamie Barge

Charge

"That being registered as a dentist:

1. On 20 September 2023, you were convicted at Newton Abbot Magistrates Court of an offence of driving a motor vehicle with an alcohol concentration above the prescribed limit, contrary to s.5(1)(a) Road Traffic Act 1988. The particulars of the offence are that on 5 September 2023 you drove a vehicle with an alcohol concentration of 86 micrograms in 100 millilitres of breath.
2. You have an adverse **[IN PRIVATE]** health condition, as specified in Schedule A;

And, by reason of the facts alleged, your fitness to practice is impaired by reason of conviction and / or an adverse **[IN PRIVATE]** health condition."

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1. This is the Health Committee's inquiry into the facts which form the basis of the allegation against Mr Harris, who has not attended the hearing and is not represented. Ms Sian Priory of Counsel presented the General Dental Council's (GDC) case. The hearing is conducted remotely via Microsoft Teams video-link in line with the GDC's current guidance.
 2. The Committee has taken into account all the evidence presented to it. It has accepted the advice of the Legal Adviser. In accordance with that advice, it has considered each head of charge separately.

Service and absence: 27 May 2025

3. Mr Harris was neither present nor represented at the hearing. On behalf of the GDC, Ms Priory submitted that the notification of hearing had been served on him in accordance with the Rules and that the hearing should proceed in his absence.
4. The notification of hearing was sent by Special Delivery on 25 April 2025 to Mr Harris at his registered address. Royal Mail 'Track and Trace' documentation records that it was delivered on 28 April 2025, signed for under name 'HARRIS'. The Notice was also sent to his representatives email address.
5. In addition, the Notice was also sent to another known address on 25 April 2025, and this was delivered on 26 April 2025 and signed for under the name of 'HARRIS'.
6. The Committee was satisfied that the notification of hearing contained the required information under Rule 13 of the Rules, including the time, date and venue of the hearing; and that it had been served on Mr Harris in accordance with Rule 65 by virtue of it being posted to his registered address. Proof of delivery is not necessary for service to be effected under the Rules. The Committee in any event has been provided with proof of delivery to the last known address.

7. The Committee next considered whether to proceed in the absence of Mr Harris. This is a discretion which must be exercised with great care. The Committee was satisfied that the GDC had made all reasonable efforts to notify Mr Harris of this hearing and that he could attend in person, via telephone or via video-link. The notification of hearing explained to him that the Committee had the power to proceed in his absence.
8. The Committee noted Mr Harris's representatives, Clyde & Co responded to the Notice dated 25 April, 2025. They state *"Further to the Notice of Hearing dated 25 April 2025 I write on behalf of our client, Mr Neil Harris, in relation to the forthcoming Health Committee hearing on 27 – 29 May 2025. As indicated in the teleconference on 25 April 2025, while no discourtesy is intended to the Committee or the process Mr Harris has decided not to attend or be represented at the hearing. This decision reflects his long-standing desire to leave the GDC register and not to practise dentistry in the future."*
9. The Committee notes there is no application from Mr Harris for an adjournment. There is nothing in the material before the Committee to suggest that an adjournment of the hearing would make Mr Harris's attendance any more likely in the future. The Committee noted his legal representatives comments in their email, and determined to proceed in his absence.
10. Having regard to all the circumstances, and the need for the expeditious disposal of the proceedings, the Committee was satisfied that it would be fair and in the public interest to proceed in his absence. The Committee drew no adverse inference against Mr Harris from his absence.

Hearing in Private

11. Ms Priory made a preliminary application under Rule 53 of the GDC Rules to hold this hearing in private since some of the matters under consideration relate to Mr Harris's health. **[IN PRIVATE]**.
12. The Committee, having taken and accepted legal advice, is satisfied that it is appropriate to hold the whole hearing in private under Rule 53 of the General Dental Council (Fitness to Practise) Rules 2006 (the "Rules"). The Committee was satisfied that the matters of Mr Harris conviction and health that it would be fair and proper to him and more practical for all of the hearing to be held in private. The Committee shall announce its findings of fact publicly, except where Mr Harris's health is discussed.

Background and evidence

13. A self-referral was received by the GDC from Mr Harris on 25 September 2023, **[IN PRIVATE]**.
14. **[IN PRIVATE]**.

15. The GDC obtained a Police National Computer printout which showed Mr Harris' conviction and confirmed that he had no other criminal record. The Certificate of Conviction was also obtained by the Council.
16. Mr Harris confirmed to the GDC that he had retired, had not seen patients since 20 April 2023, and that he had no intention of returning to active practice. However, he also told the GDC that he needed to retain registration until the sale of his practice, as he was continuing to employ associates.
17. [IN PRIVATE].
18. [IN PRIVATE].
19. [IN PRIVATE]. It received a Police National Computer document (PNC) and also a signed memorandum of conviction certificate. The Committee also received witness statements from Katerina McNab (Witness 2), GDC Caseworker dated 11 February 2025, and a witness statement from Jenai Taylor (Witness 3), GDC Paralegal dated 10 February 2025. Neither were required to give oral evidence by this Committee.

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

1.	<p>On 20 September 2023, you were convicted at Newton Abbot Magistrates Court of an offence of driving a motor vehicle with an alcohol concentration above the prescribed limit, contrary to s.5(1)(a) Road Traffic Act 1988. The particulars of the offence are that on 5 September 2023 you drove a vehicle with an alcohol concentration of 86 micrograms in 100 millilitres of breath.</p> <p>The Committee accepted the certificate of conviction dated 18 January 2025 from the Newton Abbot Magistrates Court. There is also a copy of the Police National Computer printout, confirming Mr Harris' conviction. Mr Harris does not dispute the fact of his conviction in correspondence to the GDC regarding these fitness to practise proceedings.</p> <p>The Committee is satisfied that there is clear, cogent and conclusive evidence of Mr Harris' conviction of September 2023. The Committee was mindful of Rule 57(5) regarding the conclusive nature of the certificate of conviction.</p> <p>It therefore finds this head of charge proved.</p>
2.	<p>You have an adverse [IN PRIVATE] condition, as specified in Schedule A;</p> <p>Proved.</p> <p>[IN PRIVATE]</p> <p>[IN PRIVATE].</p>

	<p>[IN PRIVATE].</p> <p>[IN PRIVATE]</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE].</p> <p>[IN PRIVATE]</p> <p>[IN PRIVATE].</p> <p>It therefore finds this head of charge proved.</p>
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21. We now move to stage 2.

22. At this stage of the proceedings the Committee must consider whether Mr Harris' fitness to practise as a dentist is currently impaired by reason of any or all of the following statutory grounds: (i) conviction; and (ii) adverse health.

23. Ms Priory, for the GDC, confirmed that Mr Harris has no other fitness to practise history. She submitted that his fitness to practise is impaired on both grounds of public protection and public interest. She submitted that Mr Harris demonstrated a lack of insight [IN PRIVATE]. Ms Priory submitted that the Committee should direct that his registration be suspended for a period of 12 months.

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

25. The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016; last revised December 2020). It also had regard to the written submissions from Mr Harris' representatives, Clyde & Co dated 26 February 2025.

Impairment

26. The Committee next considered whether Mr Harris' fitness to practise is currently impaired. 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.

Conviction

27. The Committee went on to consider whether Mr Harris' fitness to practise is currently impaired by reason of his conviction.

28. Not every conviction will automatically result in a finding of current impairment. The nature and severity of the conviction, and whether there is a risk of repetition, are relevant factors in determining the question of current impairment on this statutory ground.

29. Mr Harris has been convicted of a driving offence, [IN PRIVATE]. The Committee notes that to date there is an absence of insight provided by the Registrant into his past wrong-doing and no evidence of any corrective steps being taken by him. Nor has he demonstrated evidence of appropriate insight into the impact his conviction has had on the public and the risk of harm to the public. [IN PRIVATE]. The Committee is satisfied that Mr Harris has failed to take active steps to ensure there is no repetition of this conduct. The Committee is satisfied that Mr Harris continues to pose a risk of harm to the public, and a finding of impairment is therefore required for protection of the public.
30. The Committee also concluded that a finding of impairment is required to maintain public confidence in the profession and to declare and uphold proper professional standards of conduct and behaviour. Not to make a finding of impairment would undermine the reputation of the profession. In the Committee's judgement the public would be shocked and troubled if a finding of impairment were not made given Mr Harris' conviction.
31. Accordingly, the Committee determined that Mr Harris' fitness to practise is currently impaired by reason of his conviction.

Adverse Health

32. The Committee next considered whether Mr Harris' fitness to practise is currently impaired by reason of his adverse health. [IN PRIVATE].
33. [IN PRIVATE].
34. [IN PRIVATE].
35. [IN PRIVATE].

36. The Committee concluded that a finding of impairment is required to maintain public confidence in the profession.
37. Accordingly, the Committee determined that Mr Harris' fitness to practise is currently impaired by reason of his adverse health condition.

Sanction

38. Mr Harris's fitness to practise is currently impaired by reason of his adverse health condition and by reason of his conviction. The purpose of sanction is not to be punitive, although it may have that effect, but to protect the public and the wider public interest.
39. The Committee considered each sanction in ascending order of severity.
40. The Committee considered the mitigating and aggravating factors in this case.
41. The mitigating factors in this case.
- No evidence of previous fitness to practice findings.
 - Single isolated incident in respect of his conviction and demonstrated some remorse.
42. The aggravating factors in this case include:
- Risk of harm to public due to behaviour leading to the conviction.
 - Lack of insight [IN PRIVATE].

43. The Committee is satisfied that to conclude this case with no further action or a reprimand would be wholly inappropriate, owing to the nature and the seriousness of Mr Harris' conviction and lack of insight into his health condition, and also the risk to patient safety, should he be allowed to resume practice without restriction.
44. The Committee next considered whether to impose conditions on Mr Harris' registration. It reminded itself that conditions must be workable, proportionate and measurable. **[IN PRIVATE]**. However, Mr Harris is not present at this hearing. It also notes that he has chosen not to practice anymore and has decided not to fully engage with the GDC's process. The Committee could not be satisfied that conditions of practice could be formulated at this stage that would be workable, measurable or proportionate, owing to Mr Harris' non-attendance at the hearing and his limited engagement. The Committee considers that conditions of practice order can only work if there is a genuine belief that Mr Harris will comply with these conditions in order to rehabilitate and remediate himself.
45. Therefore, the Committee decided that conditional registration would not be workable or appropriate. The concerns relating to his health are outstanding, and it has not received any information to suggest that he would comply with conditions, even if they could be formulated. In all the circumstances, the Committee determined that conditions would not serve to protect the public or uphold the wider public interest.
46. The Committee considered whether to suspend Mr Harris' registration for a specified period. In doing so it had regard to paragraph 6.28 of the Guidance which deals with suspension. That paragraph states;
- "Suspension is appropriate for more serious cases and may be appropriate when all or some of the following factors are present (this list is not exhaustive):*
- *there is evidence of repetition of the behaviour;*
 - *the Registrant has not shown insight and/or poses a significant risk of repeating the behaviour;*
 - *patients' interests would be insufficiently protected by a lesser sanction;*
 - *public confidence in the profession would be insufficiently protected by a lesser sanction;*
 - *...."*
47. The Committee considered that all the factors specified above apply in this case. The Committee noted that Mr Harris has no fitness to practise history before the GDC. Taking all these factors into account, the Committee was satisfied that a suspension order would be an appropriate and proportionate sanction.
48. In reaching its decision, the Committee did consider the sanction of erasure in so far as it related to a conviction. It had regard to paragraph 7.34 of the Guidance and noted that some of the factors for directing erasure were also present in this case. However, having considered the guidance, the Committee was of the view that suspension was more appropriate and proportionate in the circumstances of this case.
49. The Committee determined to suspend Mr Harris' registration for a period of 12 months. It considered that a 12-month period would serve to protect the public and would satisfy the

wider public interest. It also considered that this period would give Mr Harris sufficient time to remediate sufficiently [IN PRIVATE].

50. The Committee also directed that there be a review of Mr Harris' case. This means that a Committee will review his case at a hearing to be held shortly before the end of the period of suspension. That Committee will consider what action to take in relation to his registration.
51. This Committee considered that the Committee reviewing Mr Harris' case would be assisted by;
- Attendance at the next review HC hearing.
 - Reflective statement.
 - [IN PRIVATE].

52. Unless Mr Harris exercises his right of appeal, the 12-month suspension order, will take effect 28 days from the date when notice is deemed to have been served upon him.
53. The Committee now invites submissions from Ms Priory, as to whether an immediate order of suspension should be imposed on Mr Harris' registration to cover the 28-day appeal period, pending its substantive direction for suspension taking effect.

Decision on immediate order

54. The Committee took account of the submissions made by Ms Priory, on behalf of the GDC, that an immediate order of suspension should be imposed on Mr Harris' registration.
55. The Committee accepted the advice of the Legal Adviser.
56. The Committee is satisfied that it is necessary for the protection of the public, and it is otherwise in the public interest to order that his registration be suspended forthwith. It would be inconsistent with the decision of the Committee if it did not make an immediate order.
57. The effect of this order is that Mr Harris' registration shall be suspended forthwith. Unless he exercises his right of appeal the substantive 12-month period of suspension shall commence in 28 days' time. Should he exercise his right of appeal, this immediate order will remain in force pending the disposal of the appeal.
58. The interim order on Mr Harris' registration is hereby revoked.
59. That concludes the hearing today.

