

PUBLIC HEARING

Professional Conduct Committee Review Hearing

15 November 2024

Name: Gulannanavar, Jyothi Swamy

Registration number: 269890

Case number: CAS-205311

General Dental Council: Mr James Halliday, counsel.
Instructed by IHLPS

Registrant: Present and not represented

Fitness to practise: Impaired by reason of misconduct and conviction

Outcome: Suspension extended (with a review)

Duration: 3 months

Committee members: Anne Ng (Chair and Dentist member)
Johanna Bryant (DCP member)
Anita Clay (Lay member)

Legal adviser: Tanveer Rakhim

Committee Secretary: Jamie Barge

Mrs Gulannanavar

1. You are present at this resumed hearing of the Professional Conduct Committee (PCC). You are unrepresented. Mr James Halliday of counsel, instructed by the General Dental Council's (GDC's) In-House Legal Presentation Service, appears for the GDC. The hearing is being conducted remotely using Microsoft Teams.

Purpose of hearing

2. The purpose of today's hearing is to review a substantive direction of suspension first imposed on your registration by the PCC on 30 May 2024. The hearing is being held in accordance with section 27C of the Dentists Act 1984 (as amended) ('the Act').

Existing order

3. In May 2024 the PCC held a hearing of inquiry in relation to allegations about your fitness to practise. The Committee heard, and went on to find proved, that on 26 February 2021, you were convicted by virtue of your guilty plea at the Crown Court at Harrow for Commit Act / Series of Acts with Intent to pervert the course of public justice on 25 April 2020, contrary to Common Law. The Committee also found that you failed to immediately inform the General Dental Council that on 26 February 2021 you were convicted for that offence.
4. That Committee went on to determine that the facts that it had found proved amounted to misconduct. That Committee found that you posed a risk to patients, and that your fitness to practise was impaired. The Committee further determined that a finding of impairment was also required in the public interest. That Committee determined to suspend your registration for a period of six months, with a review hearing to take place prior to the expiry of your suspension. That Committee considered that the future reviewing Committee might be assisted by your continued engagement in these proceedings, an in-depth reflective piece dealing with, amongst other topics, the impact of your misconduct and offending behaviour on the profession and the public, your understanding of the importance and role of honesty and integrity for dental professionals, details of any coping strategies that you use or will use, and character references arising from paid and unpaid work and any other activities from individuals whom you have fully apprised of the Committee's findings.
5. It falls to this Committee to review the suspension.

Evidence

6. The Committee has received further evidence relevant to today's review, including certificates of Continuing Professional Development (CPD) that you have undertaken, a reflective statement written by you, and some character references from friends.

Submissions

7. Mr Halliday submitted that, whilst you have demonstrated some remorse in your written statement, it does not address the impact and gravity your previous actions have caused to the profession and the public. Mr Halliday drew the Committee's attention to the previous Committee's identification of shortcomings in your insight into and reflections upon your conduct and submitted that such shortcomings still remain. Character references you have provided do not refer to the background and the findings made in May 2024. You have provided CPD certificates, some of which predate your substantive PCC hearing and are without any adequate reflection and detail. He submitted that these may be of limited weight for this reviewing Committee. He submitted that to date, you have apologised but not provided evidence of adequate insight and also steps taken since to ensure no

repetition of your previous conduct. Mr Halliday therefore submitted that you continue to pose a risk to the public given the risks of repetition arising from the shortcomings in your insight, and that accordingly your fitness to practise remains currently impaired. Mr Halliday further submitted that a finding of impairment should again be made in the public interest. Mr Halliday invited the Committee to extend the period of suspension by six months.

8. You stated that you have demonstrated insight into and understanding of your misconduct, supported by spiritual mindfulness, which has made you more relaxed and peaceful. You stated that you are in a better place and previous stresses have been removed. You stated that you are remorseful for your misconduct, and you will never do this again. You stated that you have done some relevant courses, reflected and you are now aware the seriousness of your conduct and the impact it has had on your community. You are committed to being honest at all times in order to keep your personal and professional life clean. You therefore submitted that you have demonstrated real reflections into your misconduct, and that you are not impaired.

Committee's determination

9. The Committee has carefully considered all the documentary evidence presented to it, as well as the submissions of counsel on behalf of both parties. In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has accepted the advice of the Legal Adviser.

Impairment by reason of misconduct

10. The Committee considers that your misconduct is capable of being remediated. The Committee took into account the remorse and regret that you have expressed in relation to your past misconduct. However, it is not satisfied from the evidence that has been provided that you have demonstrated sufficient insight into your misconduct. Your reflections do not appear to fully appreciate the gravity of the findings made against you and the damage your previous conduct has had on the profession and the public. The Committee took into account that although your level of insight has increased since the substantive PCC hearing, your understanding of your misconduct suggests that you do not have the requisite level of understanding of the seriousness of your conduct, its damaging effect on your fitness to practise, on the reputation of the profession and on the public's trust and confidence in the profession.
11. The Committee similarly notes that you have undertaken some CPD courses, but it finds that your reflections on the content of these courses does not reassure the Committee that you fully understand the nature and seriousness of your misconduct. The Committee notes that you have completed online courses on probity and ethics but have failed to provide written reflections. The Committee also noted that you have provided a number of character references. However, in cross examination, you confirmed that you had not informed them of your past conduct and the reasons why these were requested.
12. The Committee has not been provided with direct and detailed evidence of appropriate insight and understanding of the impact your previous misconduct has had on the public and the dental profession. The Committee considers that you have not fully reflected upon the previous findings and therefore the risk of repetition, although reduced, still remains. The Committee considers that you continue to pose a risk to the public, and therefore concludes that your fitness to practise remains impaired in respect of public protection.
13. In approaching the wider public interest considerations upon which the initial Committee also made a finding of impairment, the Committee has considered whether this requires a further finding of impairment for the purposes of declaring and upholding professional

standards and maintaining public confidence in the profession and the GDC as regulator. The Committee considers that a reasonable and informed member of the public would be concerned if a repeated finding of impairment were not made in the circumstances of this case. The Committee considers that, were it not to make a repeated finding of impairment, public trust and confidence in the profession, and in the regulatory process, would be significantly undermined. A finding of impairment is also required to declare and uphold proper professional standards of conduct and behaviour. The Committee therefore finds that a finding of impairment is again required in the public interest.

Impairment by reason of conviction

14. The Committee noted that your offending behaviour involved you lying to the police and thereby placing another individual in jeopardy of facing a police investigation and criminal proceedings. The Committee is in no doubt as to the seriousness of the offence. You have stated that you are shameful and remorseful and that you have made mistakes in the past. However, it noted through your oral evidence and written reflections that you do not appear to have demonstrated sufficient insight into the impact your previous offending behaviour has had on the profession and the public. Your insight and remediation are, again incomplete, and the Committee considers that the public is at unwarranted risk of harm as a result of your previous conduct.
15. The Committee also considers that a finding of current impairment is required in the wider public interest. The Committee finds that a declaration of impairment is required to declare and uphold proper professional standards of conduct and behaviour given the nature and seriousness of your conviction, relating as it does to an offence involving a dishonest act. It further considers that public trust and confidence in the profession, and in the regulatory process, would be significantly undermined if a finding of impairment were not made in the particular circumstances of this case. In reaching this finding the Committee has also had regard to the consideration that you remain subject to the terms of your criminal sentence.
16. The Committee has therefore determined that your fitness to practise remains impaired by reason of your conviction.

Sanction

17. The Committee next considered whether it would be appropriate to revoke the suspension, or to replace the suspension with a direction of conditional registration.
18. The Committee considers that revoking the extant suspension, or replacing it with a direction of conditional registration, would not be sufficient to protect the public, or safeguard the public interest considerations referred to above. The Committee specifically considers that conditions would not adequately address the risks that the Committee has identified from your unremediated misconduct, given that those matters are behavioural in nature.
19. The Committee considers that a further period of suspension is the appropriate and proportionate sanction to impose in the particular circumstances of this case. Although you have apologised and demonstrated remorse, this reviewing Committee has not been provided with evidence of appropriate insight and reflection into your past dishonest conduct and the impact it has caused to the dental profession.
20. You informed the Committee of the very difficult circumstances that surrounded your offending behaviour. Since then, your personal circumstances have changed, and you also informed the Committee that the stresses that led to your previous behaviour and conviction, no longer remain. You are also seeking support and mentorship from your religious community.

21. The Committee noted the email sent by you in June 2024 to the GDC when you asked them not to mention your suspension to a prospective referee from the dental profession. It also noted the character references dated October 2024, but was unable to attach significant weight to these, as the authors were not apprised of your suspension and of the previous PCC findings. The Committee considered that this lack of transparency is hindering your ability to demonstrate full insight.
22. The Committee considers that a lesser sanction than that of suspension would not be sufficient to protect the public and the public interest. The Committee considers that a further period of three months' suspension is required. The Committee considers that a lesser period of time would not be sufficient for you to further develop and demonstrate the required insight into your misconduct and would not be sufficient to protect the public and the wider public interest considerations referred to above.
23. The Committee also directs that a further review hearing take place prior to the end of that period of suspended registration.
24. Although the Committee in no way wishes to bind or fetter the future reviewing Committee which will consider your suspension in approximately three months' time, it considers that it may be assisted by;
 - Engagement with an experienced mentor (who has knowledge of these regulatory proceedings) who may assist you in the preparation of your remediation for the next reviewing Committee.
 - Written evidence of you having engaged and reflected upon your previous misconduct and the previous Committee's findings in detail and in full.
 - An in-depth reflective piece dealing with, amongst other topics, the impact of your misconduct and offending behaviour on the profession and the public,
 - Your understanding of the importance and role of honesty and integrity for dental professionals, details of any coping strategies that you use or will use.
 - Character references arising from paid and unpaid work and any other activities from individuals whom you have fully apprised of the Committee's findings.

Right of appeal

25. You will have 28 days from the date on which notice of this decision is deemed to have been served on you to appeal against this decision. Should you decide to appeal, the existing direction of suspension will remain in force until the resolution of any such appeal. Should you decide not to appeal, the current suspension will take effect on the date on which it would otherwise expire.
26. That concludes this case for today.