

## ON PAPERS

### Professional Conduct Committee Review Hearing

13 September 2024

**Name:** RILEY-ALLSOPP, Sophie

**Registration number:** 287880

**Case number:** CAS-201089-T8N9J6

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**General Dental Council:** Instructed by Rosie Geddes, IHLPS

**Registrant:** Not present  
Unrepresented

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**Fitness to practise:** Impaired

**Outcome:** Suspension extended (with a review)

**Duration:** 12 months

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**Committee members:** Clive Powell (Chair, lay member)  
Anjali Patel (Dentist member)  
Julie Byrom (Dental Care Professional member)

**Legal adviser:** Trevor Jones

**Committee Secretary:** Sara Page

1. This is a hearing before the Professional Conduct Committee pursuant to section 36Q of the '*Dentists Act 1984 (as amended)*' ('the Act'). Members of the Committee, as well as the Legal Adviser and the Committee Secretary, are participating via Microsoft Teams in line with the General Dental Council's (GDC) current practice of holding hearings remotely.
2. Ms Riley-Allsopp was not present and was unrepresented in her absence.
3. In light of the anticipated non-attendance of Ms Riley-Allsopp, the GDC has provided written submissions detailing its position in the absence of a Case Presenter. Therefore, the GDC invited the Committee to consider today's review on the papers.
4. In the absence of both parties, the Committee first considered the issues of service and whether to proceed with the hearing in the absence of Ms Riley-Allsopp and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

#### **Decision on service of Notice of Hearing**

5. In Ms Riley-Allsopp's absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on her in accordance with Rules 28 and 65 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules').
6. The Committee had regard to the indexed hearing bundle of 28 pages, which contained a copy of the Notice, dated 5 August 2024. The Notice was sent to Ms Riley-Allsopp's registered address by Special Delivery and First Class post on 5 August 2024, in accordance with Section 50A of the '*Dentists Act 1984*' (*as amended*) ('the Act') and via email on the same date.
7. The Committee was satisfied that the Notice contained proper and correct information relating to today's hearing. This included the time, date and that it is being conducted remotely via Microsoft Teams, as well as notification that the Committee has the power to proceed with the hearing in Ms Riley-Allsopp's absence.
8. Whilst it is not a requirement of the Rules, the Committee had sight of an extract from the Royal Mail 'Track and Trace' service which showed the item was delivered to Ms Riley-Allsopp's registered address on 6 August 2024. It was signed for against the printed name of 'RILEY'.
9. In light of the information available, the Committee was satisfied that Ms Riley-Allsopp has been served with proper notification of this hearing, with more than 28 days' notice, in accordance with the Rules.

#### **Decision on whether to proceed in the absence of Ms Riley-Allsopp and on the papers**

10. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Ms Riley-Allsopp and any representative for either party. The Committee was mindful that the discretion to proceed in the absence of Ms Riley-Allsopp must be exercised with the utmost care and caution. The Legal Adviser reminded the Committee of the requirement to be fair to both parties, as well as considering the public interest in the expeditious review of this case.
11. The Committee bore in mind that this a mandatory review prior to the expiry of the current suspension order. As well as the Notice, the Committee acknowledged the GDC's

unsuccessful attempts to contact Ms Riley-Allsopp, as evidenced in the telephone note and email, both dated 9 September 2024. The email sent to Ms Riley-Allsopp stated:

*“Formal notification of your hearing was sent to you on 5 August 2024, and I note we have not received any contact from you since that notification, nor have you sought a postponement of the hearing. Please be reminded that the Committee can proceed in your absence on Friday and the Council will ask them to do so.”*

12. The Committee accepted that there has not been any engagement by Ms Riley-Allsopp in relation to today’s hearing and she has not requested an adjournment of today’s review. As a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion.
13. In the absence of any correspondence from Ms Riley-Allsopp and a lack of engagement on her part, the Committee concluded that she had voluntarily absented herself from today’s hearing.
14. In all these circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Ms Riley-Allsopp and any representatives for either party.

### **Background**

15. Today’s review hearing was convened to review the current suspension order, which is due to expire on 25 October 2024.
16. This is the first review of a substantive order initially imposed by the Professional Conduct Committee (‘the PCC’) in September 2023.
17. At the initial substantive hearing, the PCC found Ms Riley-Allsopp’s fitness to practise impaired by reason of misconduct and conviction. The PCC’s findings can be summarised as follows:

*“The Committee first considered the matter of Ms Riley-Allsopp’s conviction. It noted the serious nature of the offence, which was marked by a significant period of 21 months disqualification from driving, a fine of £152, a victim surcharge of £34 and costs of £85 to the Crown Prosecution Service.*

*The factual particulars of Ms Riley-Allsopp’s offence in October 2021, show that whilst driving under the influence of alcohol, she consumed so much alcohol that the proportion of it in her breath, namely 84 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit of 35 microgrammes of alcohol in 100 millilitres of breath. The Committee noted that this was clearly an offence where the risk of harm to herself and to others was significant.*

*The Committee noted that Ms Riley-Allsopp referred herself to the GDC prior her conviction on 27 October 2021, and that she pleaded guilty to the offence in court. However, there has been no information at this hearing relating to Ms Riley-Allsopp’s current level of insight into her conviction in terms of its impact on public safety and the reputation of the dental profession.*

*The Committee also determined that, given the nature and seriousness of Ms Riley-Allsopp’s conviction, a finding of impairment is also in the wider public interest, to maintain public confidence in the dental profession and to declare and uphold proper professional standards. The Committee considered Ms Riley-*

*Allsopp's duty under Standard 9.1 to ensure that her conduct, both at work and in her personal life, justifies patients' trust in her and the public's trust in the dental profession.*

*...The Committee next considered whether Ms Riley-Allsopp's fitness to practise is currently impaired by reason of her misconduct. In doing so, it took into account that it received no evidence from Ms Riley-Allsopp as to her insight into her lack of cooperation or any evidence of reflection or remediation. The Committee further took into account that the concerns raised about Ms Riley-Allsopp's engagement with the GDC appear to be ongoing. It noted that her limited and sporadic engagement deteriorated until there was no engagement at all. The Committee considered the manner of Ms Riley-Allsopp's lack of cooperation with the GDC to be representative of a pattern of behaviour that has become a feature in this case and is indicative of a risk of recurrence.*

*Ms Riley Allsopp has not complied with the health assessment. There has been no real engagement from her, therefore the Committee considers that a risk of repetition still remains. It therefore determined that a finding of impairment is necessary for the protection of the public.*

*The Committee therefore determined that a finding of impairment is necessary for the protection of the public. It considered the issue of public protection to be engaged in relation to Ms Riley-Allsopp's misconduct, given the important purpose of the required forms and the health assessment. Ms Riley-Allsopp failed to cooperate with her regulatory body in respect of matters that are designed to provide protection to the public.*

*The Committee further determined that a finding of impairment is in the wider public interest, in view of Ms Riley-Allsopp's serious breach of fundamental GDC Standards. The Committee considered that public confidence in the dental profession would be undermined in the absence of such a finding. It also had regard to its duty to uphold proper professional standards."*

18. The PCC directed that Ms Riley-Allsopp's registration be subject to suspension for a period of 12 months, with a review, stating:

*"The Committee considered ... the factors ... applied in this case, namely that:*

- there is evidence of repetition of the behaviour, particularly in relation to Ms Riley-Allsopp's conviction and misconduct;*
- Ms Riley-Allsopp has not shown insight and she poses a significant risk of repeating her behaviour;*
- patients' interests would be insufficiently protected by a lesser sanction; and public confidence in the profession would be insufficiently protected by a lesser sanction.*

*Notwithstanding the presence of the above factors, the Committee took into account that this case involves a conviction of a serious nature and a serious failure to cooperate with a fitness to practise investigation...*

*Therefore, in all the circumstances, the Committee determined that the appropriate and proportionate sanction, for the protection of the public and the wider public interest, is a suspension order for a period of 12 months. In deciding on the*

*maximum 12-month period, the Committee took into account the gravity of its findings, and the absence of any evidence of insight or remediation. It also considered that 12 months would afford Ms Riley-Allsopp the opportunity to engage meaningfully with the GDC's fitness to practise process.*

*...This Committee considered that the Committee reviewing Ms Riley-Allsopp's case may find it helpful to receive the following:*

- *Evidence of her meaningful engagement and cooperation with the GDC.*
- *A reflective statement.*
- *Evidence of her insight into all the aspects of this case."*

## **Submissions**

19. In its written submissions, the GDC invited the Committee to extend the suspension order for a further period of 12 months with a review. The GDC reminded the Committee that the persuasive burden in respect of demonstrating that her fitness to practise is no longer impaired lies with Ms Riley-Allsopp, as outlined in the case of *Abrahaem v General Medical Council* [2008] EWHC 183 (Admin).
20. The GDC stated that Ms Riley-Allsopp has not provided any information to address the concerns that were identified by the previous PCC. Therefore, the GDC submitted that there is no material change in circumstances since the last hearing. The GDC confirmed that Ms Riley-Allsopp has not engaged with the GDC since before the PCC hearing and has not responded to any of the correspondence sent by the GDC regarding this hearing. As a result, the GDC has no evidence of remediation or insight. As such, it submitted that the public remains at risk if Ms Riley-Allsopp were permitted to practice without encumbrance.
21. The GDC also submitted that Ms Riley-Allsopp's lack of engagement also impacts the public interest. The function of the GDC requires co-operation, and the reputation of the profession demands accountability. This in turn means that a finding of impairment is required to serve the public interest.
22. Therefore, the GDC submitted that Ms Riley-Allsopp's fitness to practise remains impaired by reason of misconduct.
23. Ms Riley-Allsopp has not submitted any written submissions for consideration by this Committee for the purposes of today's review.

## **Decision on review**

24. The Committee considered whether Ms Riley-Allsopp's fitness to practise remains impaired. In reaching its decision on the issue of impairment, the Committee exercised its own independent judgement. It bore in mind that its duty is to consider the public interest, which includes the protection of the public, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.
25. The Committee heard and accepted the advice of the Legal Adviser.

## **Impairment**

26. In deciding whether Ms Riley-Allsopp's fitness to practise remains impaired, the Committee considered whether her misconduct has been remedied and whether it is likely to be repeated. It also considered whether the public interest has been sufficiently addressed in this case. In doing so, the Committee had regard to the bundle provided today which included two reminders sent to Ms Riley-Allsopp from the GDC including the recommendations of the original PCC for the review hearing.
27. The Committee acknowledged in light of Ms Riley-Allsopp's complete ongoing lack of engagement, that there has been no information to demonstrate that she no longer poses a risk of repetition of her misconduct. Whilst the Committee acknowledged that Ms Riley-Allsopp's sentence is now spent, she has not provided the GDC or the Committee with any evidence to demonstrate that she has addressed the underlying issues that led to her conviction. Therefore, the Committee was satisfied that Ms Riley-Allsopp has failed to demonstrate that she has remedied her misconduct and accordingly, there remains an ongoing risk of repetition.
28. In the absence of any material change since the imposition of the suspension order, the Committee concluded that Ms Riley-Allsopp's fitness to practise remains impaired.

### **Sanction**

29. The Committee had regard to the '*Guidance for the Practice Committees, including Indicative Sanctions Guidance*' (Revised May 2019). The Committee considered what, if any, sanction to impose in this case. The Committee was aware of the range of sanctions available to it and that it must consider the sanctions in order from the least serious.
30. The Committee was aware that it should have regard to the principle of proportionality, balancing the public interest against Ms Riley-Allsopp's own interests. The public interest includes the protection of the public, the maintenance of public confidence in the profession, and declaring and upholding standards of conduct and performance within the profession.
31. Having found that Ms Riley-Allsopp's fitness to practise remains impaired, the Committee determined that to terminate the current order would be wholly inappropriate.
32. The Committee then considered whether to replace the suspension order with that of conditional registration but in light of Ms Riley-Allsopp's non-engagement with these proceedings, conditional registration would not be workable or appropriate in the circumstances of this case. The Committee has no information pertaining to Ms Riley-Allsopp's current employment or working arrangements and therefore it would not be possible to formulate any workable conditions in the circumstances or have any confidence that she would be willing to comply with such an order.
33. The Committee therefore determined that a further period of suspension for 12 months, with a review, would be appropriate and proportionate in this case. It was satisfied that this would provide Ms Riley-Allsopp with an opportunity to re-engage with the regulatory process and be in a position to demonstrate any insight, providing evidence that she has addressed the concerns of the previous PCC and can demonstrate that she has sufficiently reduced the likelihood of repetition of such conduct in the future.
34. The Committee would like to remind Ms Riley-Allsopp that the onus is on her to engage with the GDC as her regulator if she wishes to continue with her career as a dental nurse.
35. As stated by the previous PCC, any reviewing Committee may be assisted by:

- Evidence of her meaningful engagement and cooperation with the GDC;
- A reflective statement; and
- Evidence of her insight into all the aspects of this case.

36. The order will be reviewed before its expiry. At the review hearing, the Committee may revoke the order, it may confirm the order, or it may replace the order with another order.
37. This will be confirmed to Ms Riley-Allsopp in accordance with the Act.
38. That concludes this hearing.