

## PRIVATE HEARING

### Health Committee Review Hearing

12 December 2023

**Name:** WHITTAM, Melanie Elaine

**Registration number:** 172924

**Case number:** CAS-163182

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**General Dental Council:** Ashraf Khan of counsel  
Instructed by Rosie Geddes of IHLPS

**Registrant:** Not present  
Not represented in absence

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**Fitness to practise:** Impaired by reason of health

**Outcome:** Suspended indefinitely

**Duration:** N/A

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**Committee members:** Helen Baker (Chair) (Dentist)  
Helen Woodall (Dental Care Professional)  
Sarah Baalham (Lay)

**Legal adviser:** Alastair McFarlane

**Medical adviser:** [name omitted]

**Committee Secretary:** Gareth Llewellyn

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**At this hearing the Committee made a determination that includes some private information. That information has been omitted from this public version of the determination and the document marked to show where private material has been removed.**

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1. This is a hearing of the Health Committee (HC). The hearing is being conducted remotely using Microsoft Teams in line with the GDC's current practice.
2. Miss Whittam is not present and is not represented in her absence. Ashraf Khan of counsel, instructed by the GDC's In-House Legal Presentation Service, appears for the GDC.

#### **Purpose of hearing**

3. The purpose of today's hearing is to review a substantive suspension order which was last extended by the HC on 11 September 2023.

#### **Service**

4. The Committee considered whether service has been properly effected in accordance with the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules').
5. Mr Khan on behalf of the GDC submitted that Miss Whittam has been properly notified of today's hearing in accordance with Rule 28 of the Rules. The Committee noted that a notice of hearing was sent to Miss Whittam's registered address on 13 November 2023 using the Royal Mail's Special Delivery service. The notice set out the date and time of the hearing, as well as confirming the remote nature of the hearing and the powers available to the Committee. The Royal Mail's Track and Trace service records that the notice was delivered on the morning of 15 November 2023. A copy of the notice was also sent to Miss Whittam by first class post and email.
6. The Committee accepted the advice provided by the Legal Adviser. Having regard to the GDC's submissions and the evidence placed before it the Committee was satisfied that service was effected in accordance with the Rules.

#### **Proceeding in absence**

7. The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Miss Whittam in accordance with Rule 54 of the Rules. It was mindful that its discretion to proceed in the absence of a registrant must be exercised with the utmost care and caution. The Committee notes that Mr Khan on behalf of the GDC has invited the Committee to proceed in her absence. He submitted that, although the Committee has not been provided with a telephone attendance note confirming the same, Miss Whittam has stated in a telephone conversation with the GDC that she is content for the hearing to proceed in her absence.
8. The Committee accepted the advice of the Legal Adviser. It determined that it would be fair and appropriate to proceed in the absence of Miss Whittam. It considers that Miss Whittam has voluntarily absented herself from the hearing and that an adjournment, which has not

been requested, would be unlikely to secure her attendance. The Committee was also mindful of the public interest in the expeditious review of the extant suspension.

### **Other preliminary matters**

9. Mr Khan then applied for the hearing to take place in private in accordance with Rule 53 of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'), given that the case relates to Miss Whittam's health. The Committee accepted the advice of the Legal Adviser. The Committee determined to hold the hearing in private.

### **IN PRIVATE**

#### **Existing order and previous reviews**

10. [text omitted].

11. [text omitted].

12. [text omitted].

13. [text omitted].

14. [text omitted].

15. [text omitted].

16. [text omitted].

17. [text omitted].

18. [text omitted].

19. [text omitted].

20. [text omitted].

IN PUBLIC

21. It falls to this Committee today to conduct the review directed by the HC on 11 September 2023.

IN PRIVATE

#### **Submissions**

22. [text omitted].

23. [text omitted].

IN PUBLIC

### **Committee's determination**

24. The Committee has carefully considered all the information presented to it, including the written documentation and oral submissions provided by Mr Khan on behalf of the GDC and the written correspondence received from Miss Whittam.
25. The Committee has accepted the advice of the Medical Adviser and the Legal Adviser. 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).

### **Impairment**

26. The Committee first considered whether Miss Whittam's fitness to practise is currently impaired by reason of her adverse health. In doing so, it exercised its independent judgement. Throughout its deliberations, it has borne in mind that its overarching objective is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.

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27. [text omitted].

IN PUBLIC

### **Sanction**

28. The Committee then went on to determine what sanction, if any, would be appropriate in light of its finding of ongoing impairment of Miss Whittam's fitness to practise. The Committee recognises that the purpose of a sanction is not punitive, although it may have that effect, but is instead imposed in order to protect patients and safeguard the wider public interest. The Committee has applied the principle of proportionality, balancing the public interest with Miss Whittam's own interests.

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29. [text omitted].

30. [text omitted].

31. [text omitted].

IN PUBLIC

32. The Committee has determined that Miss Whittam's fitness to practise remains impaired by reason of her adverse health. The Committee directs that her name be indefinitely suspended from the register.

### **Appeal**

33. Miss Whittam may appeal this decision within 28 days of the date on which notice of this decision is deemed to have been served on her in accordance with the provisions of Section 36S of the Dentists Act 1984 (as amended) ('the Act'). Should she decide to appeal, the

extant suspension will remain in force until the resolution of any such appeal. Should she decide not to appeal, the current suspension will become indefinite on the date on which it would otherwise expire.

**Subsequent review(s)**

34. This direction may be reviewed in accordance with the provisions of section 36Q (4) of the Act. More particularly, Miss Whittam may, after two years have elapsed from the date on which this direction of indefinite suspension takes effect, ask for the indefinite suspension to be reviewed.
35. That concludes this case for today.