

**PUBLIC HEARING****Professional Conduct Committee  
Initial Hearing****20 – 22 November 2023**

**Name:** SMITH, Kerry  
**Registration number:** 134702  
**Case number:** CAS-200199-L3R0Z7

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**General Dental Council:** Natalie Bird, counsel  
Instructed by IHLPS

**Registrant:** Not present  
Unrepresented

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**Fitness to practise:** Impaired by reason of conviction and misconduct

**Outcome:** Erasure

**Immediate order:** Immediate order of suspension

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**Committee members:** Emily Knapp (Chair, dentist member)  
Liz Avital (Lay member)  
Tanya Viehoff (DCP member)

**Legal Adviser:** Barrie Searle

**Committee Secretary:** Jennifer Morrison

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1. This is an initial Professional Conduct Committee (PCC) hearing in the case of Miss Kerry Smith (also known as Kerry Sinclair), pursuant to Section 36P of the Dentists Act 1984 (as amended) ('the Act').
2. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.
3. Miss Smith was not present at the hearing and was unrepresented.
4. Ms Natalie Bird, counsel, appeared as case presenter on behalf of the GDC.

**Preliminary matters****Decision on service of Notice of Hearing**

5. In Miss Smith's absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Miss Smith in accordance with Rules 13 and 65 of the General Dental Council (Fitness to Practise) Rules Order of Council 2006 ('the Rules').
6. The Committee received from the GDC an indexed PCC hearing bundle of 90 pages. This hearing bundle contained a copy of the Notice, dated 17 October 2023, which was sent to Miss Smith's registered address by Special Delivery and First Class post.
7. The Committee considered that there is no requirement within the Rules for the GDC to prove delivery of the Notice, only that it was sent. It noted that the Notice had been returned to the GDC with the words '*No longer At this Address!*' handwritten on the front of the envelope. However, the Committee also noted that a copy of the Notice was sent to Miss Smith's registered email address on 17 October 2023. It had sight of a download receipt, which showed that the files attached to the email message had been downloaded by the recipient on 17 October 2023.
8. The Committee accepted the advice of the Legal Adviser.
9. The Committee considered that the Notice contained information about, amongst other things, the date, time and remote venue of the hearing and Miss Smith's right to attend, be represented, and to adduce evidence. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Miss Smith in accordance with the Rules and the Act.

### **Decision and reasons on proceeding in the absence of Miss Smith**

10. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Miss Smith and any representative on her behalf. It was mindful that its decision to proceed in Miss Smith's absence must be approached with the utmost care and caution. The Legal Adviser reminded the Committee of the requirement to be fair to both parties and to consider the public interest in the expeditious disposal of the case.
11. The Committee was satisfied that Miss Smith is aware of this hearing. It considered that the Notice of 17 October 2023 was received at her registered email address. In the Notice, Miss Smith was asked to confirm her attendance at the hearing and whether she would be represented by 1 November 2023. Miss Smith was also invited to provide any written documentation in support of her case. She was reminded of the Committee's power to proceed in her absence.
12. The Committee noted an email dated 9 November 2023 from Miss Smith to the GDC in response to a query about her attendance. In the email, Miss Smith stated that she would not be attending or providing any evidence for the Committee's consideration. Miss Smith again confirmed her non-attendance in a further email of 10 November 2023. Accordingly, the Committee was satisfied that Miss Smith's absence was voluntary. It has received no information to indicate that adjourning or postponing the hearing would serve any meaningful purpose.
13. In all the circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Miss Smith.

**Background**

14. On 8 March 2022, Miss Smith referred herself to the GDC. She stated that she had been charged with embezzlement in December 2020 and had appeared in court in March 2021 and February 2022. Miss Smith attached to her self-referral a document titled 'Liberation from Police Custody for Court Appearance by Way of Undertaking'. This document showed that Miss Smith had been arrested on the charge of embezzlement and was being liberated from custody on the condition that she attend Edinburgh Sheriff Court on 12 March 2021. The document had been signed by both Miss Smith and the police on 16 December 2020.
15. The Committee noted that the court documents were in the name of 'Kerry Sinclair'. It was aware from the bundle that 'Sinclair' was another surname used by Miss Smith at the relevant time.
16. In her self-referral, Miss Smith stated that she was due to be sentenced on 17 March 2022. On 17 March 2022, Miss Smith informed the GDC that she had *'got 300 hours community service fine and a tag for 4 months'*.
17. On 29 March 2022, the GDC obtained a Police National Computer (PNC) record for Miss Smith. The PNC record confirmed that Miss Smith had been sentenced to *'community payback order, unpaid work period 300 hours to be completed within 12 months, compensation, restriction of liberty order (Scotland) 4 months remain within dwelling house between 8pm and 7am'*. On 28 June 2022, the GDC obtained a Full Extract Conviction Report ('the Extract') from Edinburgh Sheriff Court which confirmed Miss Smith's sentence as set out in the PNC record. The Extract Conviction also confirmed that Miss Smith was required to pay £18,000 in compensation.

**Decision and reasons on application to withdraw charge**

18. Ms Bird made an application under Rule 18 to withdraw charge 3, which read as follows:

*'In your email to the GDC dated 17 March 2022 you failed to provide full details of your sentence in that you stated that you were sentenced to 300 hours community service and a tag for 4 months'*

19. Ms Bird submitted that the charge was capable of being found proved; however, the main "mischief" is contained within the other charges. She submitted that withdrawing the charge would plainly cause no prejudice to Miss Smith in that it would narrow the scope of the allegations against her and could result in less adverse findings at later stages of the hearing.
20. The Committee noted that this charge contained a quote from an email sent by Miss Smith to the GDC. Upon questioning from the Committee, Ms Bird confirmed that the word *'fine'* was missing from that quote. She explained that the GDC Case Examiners had noted that Miss Smith's use of the word *'fine'* in her email could have been taken to refer to the compensation order imposed as part of her sentence. She submitted that nevertheless, the charge had been referred to the Committee.
21. The Committee accepted the advice of the Legal Adviser and acceded to Ms Bird's application. It considered that although Miss Smith was not present to make representations, she would have been unlikely to object to the application, given that a decision to withdraw any charge would be

favourable to her. The Committee was satisfied that no injustice would be caused by acceding to the application.

### **Decision and reasons on the facts**

22. The Committee considered all the evidence presented to it and took account of the submissions made by Ms Bird on behalf of the GDC. The Committee accepted the advice of the Legal Adviser. It considered each head of charge separately, bearing in mind that the burden of proof rests with the GDC and that the standard of proof is the civil standard, that is, whether the alleged facts are proved on the balance of probabilities.

### **Evidence**

23. The Committee had regard to a number of documents included in the GDC hearing bundle of 90 pages. It also had regard to a partial transcript of an Interim Orders Committee (IOC) hearing of 30 March 2022. Having heard Ms Bird's submissions and having taken into account that Miss Smith was not present or represented at this hearing, the Committee was prepared in these circumstances to consider this partial transcript to ensure the Registrant's position was before them. The Committee received no evidence from Miss Smith directly.

### **Witnesses**

24. The Committee considered written evidence from the following GDC witness:

- Witness 1, GDC Fitness to Practise Caseworker

25. The Committee did not require Witness 1 to give oral evidence.

### **Committee's findings**

26. The Committee's findings in relation to each head of charge are as follows:

#### **Charge 1**

*'On 18 February 2022, you were convicted at Edinburgh Sheriff Court of Embezzlement, for the amount of £71,425.63, contrary to the Criminal Justice and Licensing (Scotland) Act 2010.'*

### **PROVED**

27. In reaching its decision on this charge, the Committee had regard to Rule 57(5)(a) and (b):

*'(5) Where a respondent has been convicted of a criminal offence –*

*(a) a copy of the certificate of conviction, certified by a competent office of a court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*

*(b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.'*

The Committee also had regard to paragraphs 7 and 8 of Appendix A of the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance*, (October 2016, revised December 2020) ('the Guidance'):

*'Convictions' refer to a decision by a criminal court in the United Kingdom or a finding by an overseas court of an offence which would constitute a criminal offence if committed in the United Kingdom.'*

and

*'Where the PCC accepts a certificate of conviction, it must accept the certificate as conclusive proof of the offence having been committed. The only exception is if the PCC receives evidence to the effect that the Registrant is not the person referred to in the certificate.'*

28. The Committee had regard to a certified copy of the Full Extract Conviction Report, which showed that Miss Smith had been convicted on 18 February 2022 of the following offence:

*'Between 9<sup>th</sup> November 2017 and 6<sup>th</sup> May 2019, at [...] and elsewhere Kerry Sinclair did while having power of attorney of [...], c/o police service of Scotland embezzle £71,425.63'*

29. The Committee was satisfied that Miss Smith was the person referred to in the Extract. Accordingly, the Committee accepted the Extract as conclusive proof of the offence having been committed and found **Charge 1 proved**.

#### Charge 2

*'You failed to immediately inform the General Dental Council that on 16 December 2020 you were charged with Embezzlement contrary to the Criminal Justice and Licensing (Scotland) Act 2010.'*

#### **PROVED**

30. In reaching its decision on this charge, the Committee had regard to paragraph 9.3.1 of the GDC's *Standards for the Dental Team* (September 2013) ('the Standards'):

*'You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world.'*

31. The Committee also had regard to the GDC's *Guidance on reporting criminal proceedings* (effective from 30 September 2013), which states that registrants must inform the GDC if anywhere in the world they are charged with a criminal offence.

32. The Committee was satisfied that Miss Smith had a duty to inform the GDC of the criminal

proceedings against her at the point of charge, which was 16 December 2020. It noted that Miss Smith first informed the GDC of the proceedings on 8 March 2022, shortly before her sentencing date.

33. The Committee considered that the gap of approximately 15 months between the date Miss Smith was charged and the date Miss Smith informed the GDC that she was subject to criminal proceedings did not constitute immediate notification. Accordingly, the Committee concluded that Miss Smith failed in her duty to immediately inform the GDC of any criminal proceedings against her and finds **Charge 2 proved**.

### Charge 3

### **WITHDRAWN**

### Charge 4

*‘Your actions in relation to allegation 2 were:*

*a. Misleading; and/or*

*b. Dishonest’*

**PROVED in respect of charge 4(a)**

**NOT PROVED in respect of charge 4(b)**

34. In reaching its decision on charge 4(a), the Committee applied the ordinary English meaning of the word ‘misleading’. The Committee considered that as a result of Miss Smith’s failure to immediately inform the GDC that she had been charged with a criminal offence, the GDC did not have a true picture of her history of criminal proceedings for nearly 15 months. Accordingly, Miss Smith was able to avoid scrutiny from her regulator that may have affected her entitlement to practise. The Committee concluded that Miss Smith’s actions were misleading and therefore finds **Charge 4(a) proved**.

35. In reaching its decision on charge 4(b), the Committee first considered what Miss Smith herself knew or genuinely believed to be the factual situation as far as her dealings with the GDC were concerned. It acknowledged that it did not have the benefit of Miss Smith’s attendance at this hearing. However, the Committee considered Miss Smith’s account in the IOC transcript of 30 March 2022, in which she stated that she did not realise that she was required to report the criminal proceedings against her at the time she was charged. Miss Smith also told the IOC that she received the advice that she must inform the GDC in February 2022. She self-referred on 8 March 2022. The Committee accepted that her state of mind from the point of charge until February 2022 was that she did not know she had a duty to inform the GDC, and that this is the reason that she did not do so.

36. Accordingly, the Committee did not find that an ordinary, decent member of the public would conclude that Miss Smith had acted dishonestly in respect of charge 2 and therefore determined that **charge 4(b) is not proved**.

### **Stage two**



37. Having announced its decision on the facts, in accordance with Rule 20, the Committee heard submissions from Ms Bird in relation to the matters of misconduct, impairment and sanction. The Committee accepted the advice of the Legal Adviser.
38. The Committee reminded itself that its decisions on misconduct, impairment and sanction are matters for its own independent judgement. There is no burden or standard of proof at this stage of the proceedings. It had regard to its duty to protect the public, declare and uphold proper standards of conduct and competence and maintain public confidence in the profession. Where applicable, the Committee took into consideration the Standards and the Guidance and had regard to relevant case law.
39. Ms Bird submitted that the Committee must distinguish the dishonesty inherent in the nature of Miss Smith's conviction from its findings of fact on charge 4(b). She recognised that the Committee did not find that Miss Smith had acted dishonestly in her failure to immediately notify the GDC at the point of charge, although it found that Miss Smith's actions were misleading.
40. Ms Bird submitted that Miss Smith's actions met the definition of misconduct as defined in *Roylance v GMC* (No.2) [2001] AC 311 and *Spencer v GOC* [2012] EWHC 3147 (Admin). She referred the Committee to the Standards, submitting that Miss Smith had breached standards 9.1 and 9.3.1, which require practitioners to '*ensure that [their] conduct, both at work and in [their] personal life, justifies patients' trust in [them] and the public's trust in the dental profession*' and that '*[they] must inform the GDC immediately if [they] are subject to any criminal proceedings anywhere in the world*'.
41. In relation to the matter of impairment, Ms Bird submitted that with reference to *CHRE v (1) NMC and (2) Grant* [2011] EWHC 927 (Admin), Miss Smith's actions caused serious financial harm to a vulnerable person. Her conduct had brought the reputation of the dental profession into disrepute and represented a fundamental breach of trust. Ms Bird further submitted that Miss Smith had been convicted of an offence involving serious, premeditated and persistent acts of dishonesty.
42. Ms Bird submitted that with respect to *Cohen v GMC* [2008] EWHC 581 (Admin), Miss Smith's misconduct cannot easily be remedied, and in any event, Miss Smith has provided little evidence of insight, remorse or remediation. Therefore, Ms Bird submitted that there was a risk that Miss Smith's misconduct would be repeated. Ms Bird further submitted that in accordance with *Burrows v GPhC* [2016] EWHC 1050 (Admin) and *Kimmance v GMC* [2016] EWHC 1808 (Admin), it is for Miss Smith to convince the Committee that she has been self-reflective, remorseful and has learned from her experience, and it is difficult for her to do that without her attendance. Furthermore, she submitted that Miss Smith's non-attendance at this hearing can and should be held against her in the Committee's assessment of her insight and remorse and amounts '*virtually to courting removal from the register*'.
43. Ms Bird referred the Committee to the paragraphs addressing dishonesty in the Guidance. She submitted that dishonesty is always serious, even when it does not involve direct harm to patients, as it can undermine public trust in the profession. Ms Bird further submitted that the dishonesty inherent in Miss Smith's conviction is particularly serious, and as Miss Smith is still making repayments under her Community Payback order, she cannot be said to have completed her sentence, and therefore, her fitness to practise remains impaired.

44. Lastly, Ms Bird addressed the Committee on the matter of sanction. She submitted that Miss Smith has been convicted of an offence of embezzlement involving a vulnerable person which occurred over a period of four years. Ms Bird submitted that Miss Smith's offending involved very serious dishonesty committed in a position of trust, and Miss Smith likely only stopped her offending because she was caught. She submitted that this was indicative of a harmful, deep-seated attitudinal concern that is fundamentally incompatible with being a registered professional, which is compounded by her lack of engagement with these proceedings and lack of insight. Ms Bird submitted that in the circumstances, the only appropriate and proportionate sanction is one of erasure.

### **Decision and reasons on the conviction and on misconduct**

45. In relation to charge 1, the Committee determined that Miss Smith's conviction is so serious that it raises the question of her fitness to practise. She was convicted of an offence involving deception over a period of four years, and her actions were a fundamental breach of trust in the context of a caring relationship. The Committee found that Miss Smith had breached standards 1.3.1 and 1.3.2, which require registrants to justify the trust placed in them by always acting honestly and fairly and to avoid bringing the reputation of the profession into disrepute.

46. In relation to charges 2 and 4(a), the Committee found that Miss Smith's actions were a clear breach of standards 9.1 and 9.3.1, which require registrants to ensure that their conduct both at work and in their personal life justifies the trust placed in them and the profession, and to inform the GDC immediately if they are subject to criminal proceedings.

47. Whilst the Committee found that Miss Smith's failure to immediately inform the GDC that she had been charged with a criminal offence was due to a lack of knowledge and not dishonest intent, it considered that as a registered professional, Miss Smith had a responsibility to know the standards of her profession and to abide by them. Miss Smith could have and should have found out what her professional duties were when she was charged, but she did not. Accordingly, for a period of nearly 15 months, her regulator was deprived of information that would have enabled it to carry out its function of ensuring that only fit and proper persons are registered. This compromises the reliability and integrity of the register. The Committee considered that Miss Smith's failures in this respect were serious and grave. It concluded that her actions fell far below the expectations of a registered professional and amounted to serious professional misconduct.

### **Decision and reasons on impairment**

48. The Committee then considered whether Miss Smith's fitness to practise is currently impaired by reason of her conviction and misconduct.

49. The Committee was mindful of its role to protect patients from risk of harm and to uphold the public interest, which includes the need to declare and maintain proper standards of conduct and performance.

50. In respect of *Grant*, the Committee considered that Miss Smith's actions in relation to her conviction were plainly dishonest and caused serious financial harm to a vulnerable person over a prolonged period of four years. Her behaviour in relation to her conviction and her failure to



immediately notify the GDC of the criminal proceedings against her have breached the fundamental tenets of honesty and integrity and have brought the profession into disrepute.

51. The Committee next considered whether the misconduct found proved is remediable. It noted that dishonesty is said to be difficult to remediate, as it is an attitudinal failing. The Committee considered that in this instance, Miss Smith's dishonest behaviour in relation to her conviction is not easily remediable, given the length and depth of Miss Smith's fraud and deception. Nonetheless, the Committee went on to consider whether Miss Smith has in fact remedied her failings.

52. Although the Committee noted some expression of remorse in her police interview, the Committee has seen no evidence of any further depth of reflection, insight or remediation from Miss Smith. Miss Smith has chosen not to attend these proceedings, which has prevented the Committee from further exploring her state of mind or testing the level of her insight. These are key considerations in relation to dishonesty. The Committee has borne in mind the case of *Kimmance*, in which the judge stated:

*'There was indeed no evidence of insight and remediation in this case. I do not much like those jargon words. They do not do much to illuminate the reality, which is that a doctor or other professional who has done wrong has to look at his or her conduct with a self-critical eye, acknowledge fault, say sorry and convince a panel that there is real reason to believe he or she has learned a lesson from the experience. Nine times out of ten, you cannot do that if you do not turn up to the hearing. The panel will want to ask questions.'*

53. The Committee concluded in the absence of any further information on Miss Smith's level of insight, remorse or remediation, there is a high risk that Miss Smith could repeat the misconduct found proved. It therefore concluded that a finding of impairment is necessary in the interest of public protection.

54. The Committee further considered that the public would not expect a registered professional to act in the way Miss Smith has and would be shocked and troubled if a finding of impairment was not made in the circumstances of this case. It concluded that public confidence in the profession and in the GDC as its regulator would be severely undermined if a finding of impairment was not made in the circumstances of this case. Accordingly, the Committee determined that a finding of impairment is in the wider public interest.

### **Decision and reasons on sanction**

55. The Committee next considered what sanction, if any, to impose on Miss Smith's registration. It recognized that the purpose of a sanction is not to be punitive, although it may have that effect. The Committee applied the principle of proportionality, balancing Miss Smith's interests with the public interest. It also took into account the Guidance.

56. The Committee considered the mitigating and aggravating factors in this case as outlined in paragraphs 5.17 and 5.18 of the Guidance.

57. The mitigating factors in this case include:

- Evidence of previous good character;
- Evidence of an early admission when investigated by the police and a plea of guilty;
- Some indication of remorse.

58. The aggravating factors in this case include:

- Actual financial harm to a vulnerable person;
- Premeditated, sustained dishonesty;
- Financial gain by the Registrant;
- Breach of trust;
- Lack of insight.

59. The Committee decided that it would be inappropriate to conclude this case with no further action. It would not satisfy the public interest, given the serious nature of the conviction and misconduct.

60. The Committee then considered the available sanctions in ascending order starting with the least serious.

61. The Committee concluded that misconduct of this nature cannot be adequately addressed by way of a reprimand. It cannot be said to be at the lower end of the spectrum of seriousness. The public interest would not be upheld by the imposition of such a sanction. The Committee therefore determined that a reprimand would be inappropriate and inadequate.

62. The Committee then considered whether a conditions of practice order would be appropriate. It was not satisfied that workable conditions could be formulated that would address the attitudinal concerns inherent to Miss Smith's misconduct. Furthermore, given Miss Smith's lack of engagement with these proceedings, the Committee was not satisfied that any conditions would be complied with. It determined that conditions of practice would be neither sufficient nor appropriate to address the seriousness of Miss Smith's conviction and misconduct and uphold the wider public interest.

63. The Committee next considered whether to suspend Miss Smith's registration for a specified period. It questioned whether a suspension would be proportionate in all the circumstances of the misconduct it has found. In reaching its decision, the Committee considered that Miss Smith has provided no evidence of remediation or shown any insight into these serious matters. Furthermore, her protracted dishonesty in relation to a vulnerable person for her own gain is indicative of a harmful, deep-seated attitudinal problem. The Committee was not satisfied that a sanction of suspension would be sufficient to mark the seriousness of Miss Smith's conviction and misconduct or to maintain public confidence in the profession and in the GDC as its regulator.

64. In considering whether the sanction of erasure was appropriate, the Committee had regard to paragraph 6.34 of the Guidance, which includes:

65. *'Erasure will be appropriate when the behaviour is fundamentally incompatible with being a dental professional: any of the following factors, or a combination of them, may point to such a conclusion:*

- *serious departure(s) from the relevant professional standards;*

- *where serious harm to patients or other persons has occurred, either deliberately or through incompetence;*
- *where a continuing risk of serious harm to patient or other persons is identified;*
- *serious dishonesty, particularly where persistent or covered up;*
- *a persistent lack of insight into the seriousness of actions or their consequences.'*

The Committee was satisfied that all of the above applied in the circumstances of this case. Miss Smith has shown little insight into her behaviour, and her conduct was a serious departure from the standards expected of dental professionals. Given these reasons, the Committee concluded that Miss Smith's behaviour was so egregious that it was fundamentally incompatible with being a dental professional.

66. Finally, in its consideration of whether Miss Smith should be erased from the register, the Committee bore in mind the principle of the case of *Burrows*, that '*in a case of obvious dishonesty, not attending the hearing amounts virtually to courting removal*'. Miss Smith had been forewarned in correspondence from the GDC that not only did the Committee have the power to proceed in her absence, but that the consequences of her non-attendance would be likely to be severely prejudicial.

67. In all the circumstances, the Committee has determined to erase Miss Smith's name from the dental care professionals register.

68. The Committee invited submissions as to whether an immediate order should be imposed on Miss Smith's registration, pending the taking effect of its determination for erasure.

### **Decision and reasons on immediate order**

69. The Committee has considered whether to make an order for the immediate suspension of Miss Smith's registration in accordance with Section 30 of the Dentists Act 1984 (as amended) and paragraphs 6.37 and 6.38 of the Guidance.

70. The Committee first considered whether to adjourn to seek submissions from Miss Smith on the application to impose an immediate order. It took into account its original decision to proceed in her absence and noted that the adjournment before stage two had not secured her attendance. It therefore considered that a further adjournment would not be effective in securing her attendance and proceeded to its decision on the immediate order application.

71. Ms Bird submitted that in the light of the Committee's findings that Miss Smith has shown little to no insight, remorse or remediation, there is a risk that she will repeat the misconduct found proved. Accordingly, she submitted that an immediate order of suspension is necessary for the protection of the public. Ms Bird further submitted that immediate action is required to protect public confidence in the profession, and accordingly, an immediate order of suspension is in the public interest. Ms Bird submitted that such an order is also necessary notwithstanding the current interim order of suspension on Miss Smith's registration, as this will fall away.

72. The Committee is satisfied that an immediate order of suspension is necessary for the protection of the public and is otherwise in the public interest. The Committee concluded that given the nature of its findings and its reasons for the substantive order of erasure in Miss Smith's case, it

is necessary to direct that an immediate order of suspension be imposed on both of these grounds. The Committee considered that, given its findings, if an immediate order was not made in the circumstances, there would be a risk to the public and public confidence in the profession would be undermined.

73. The effect of this direction is that Miss Smith's registration will be suspended immediately. Unless Miss Smith exercises her right of appeal, the substantive order of erasure will come into effect 28 days from the date on which notice of this decision is deemed to have been served on her. Should Miss Smith exercise her right of appeal, this immediate order for suspension will remain in place until the resolution of any appeal.

74. [The existing interim order on Miss Smith's registration is revoked.]

75. That concludes this determination.