

## ON PAPERS

### Professional Conduct Committee Review Hearing

7 June 2024

**Name:** DIRIR, Adam Allin Mohamood

**Registration number:** 72037

**Case number:** CAS-195374-B2R3T7

---

**General Dental Council:** Carla Marie Clough, IHLPS

**Registrant:** Represented by Lucy Yates, MDDUS

---

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

**Outcome:** Conditions extended and varied (with a review)

**Duration:** 12 Months

---

**Committee members:** Margaret Wolff (Chair, Lay Member)  
Avril Fraser (Dental Care Professional Member)  
Omar Bhutta (Dentist Member)

**Legal Adviser:** Tehniat Watson

**Committee Secretary:** Lola Bird

**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 this public document has been marked to show where private material has been removed.**

1. This is a resumed hearing of Mr Dirir's case before the Professional Conduct Committee (PCC) pursuant to section 27C of the *Dentists Act 1984 (as amended)* ('the Act').
2. The hearing is being conducted remotely by Microsoft Teams video-link.

### **Purpose of the hearing**

3. The purpose of the hearing has been to review a substantive order of conditions currently in place on Mr Dirir's registration.
4. Neither party is present today, following their agreement for the review to take place on the papers. The Committee received written submissions from the General Dental Council (GDC), and written submissions provided on behalf of Mr Dirir, as included in a letter dated 4 June 2024 from his solicitor at the Medical and Dental Defence Union of Scotland (MDDUS).

### **Service and proceeding**

5. The Committee first considered the issues of service and proceeding in the absence of Mr Dirir and any representatives for either party. It accepted the advice of the Legal Adviser on these matters.

### **Decision on service**

6. The Committee considered whether notice of the hearing had been served on Mr Dirir in accordance with Rules 28 and 65 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), and section 50A of the Act.
7. The Committee had before it a PCC Review hearing bundle of 47 pages which contained a copy of the Notice of Hearing, dated 2 May 2024 ('the notice'). The notice was sent to Mr Dirir's registered address by Special Delivery and First Class post.
8. The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. However, the Royal Mail 'Track and Trace' receipt, also provided, confirmed that the copy of the notice sent by Special Delivery was delivered on 4 May 2024 and signed for in the printed name of 'ADAM'.
9. The Committee further noted that on 2 May 2024, copies of the notice were sent by way of attachments within secure emails to Mr Dirir and to his solicitor at the MDDUS. Mr Dirir's solicitor responded to the GDC by email on 13 May 2024 confirming receipt of the notice.
10. The Committee was satisfied that the notice sent to Mr Dirir and to his solicitor complied with the 28-day notice period required by the Rules. It was further satisfied that the notice contained all

the required particulars, including the date and time of the hearing, that it was intended that the hearing would take place remotely and on the papers. Mr Dirir was also advised that the Committee had the power to proceed with the hearing in his absence.

11. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Mr Dirir in accordance with the Rules and the Act.

**Decision on whether to proceed with the hearing in the absence of the registrant and on the papers**

12. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Dirir, and any representative for either party. It approached this issue with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones [2002] UKHL 5*, and as affirmed in the joined regulatory cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis [2016] EWCA Civ 162*.

13. The Committee remained mindful that fairness to Mr Dirir was an important consideration, but it also took into account the need to be fair to the GDC. The Committee further considered the public interest in the expeditious review of the current order on Mr Dirir's registration.

14. The Committee had regard to the email from Mr Dirir's solicitor to the GDC dated 13 May 2024, in which they confirmed receipt of the notice of 2 May 2024 and stated that "*We note it is proposed that the review hearing takes place on the papers in the absence of the parties and we write to confirm Mr Dirir's agreement to the same*". In the written submissions provided on Mr Dirir's behalf in the letter of 4 June 2024, his solicitor reiterates that "*Mr Dirir is content for the hearing to proceed in his absence on the papers and does not intend to appear at or be represented before the PCC Review Hearing*".

15. In its written submissions provided in respect of this hearing, the GDC submitted that "*...it is in the public interest to proceed with the hearing as listed. The Council therefore invites the Committee to proceed in the Registrant's absence*".

16. Given the indications received from both parties, particularly the confirmation on behalf of Mr Dirir, the Committee considered that adjourning the hearing would serve no meaningful purpose. Mr Dirir's solicitor did not request an adjournment on his behalf, and the Committee received no information to suggest that deferring today's hearing would secure Mr Dirir's attendance on a future date. It was satisfied that his absence is voluntary.

17. The Committee took into account that it had a statutory duty to review the substantive order of conditions currently on Mr Dirir's registration, which is due to expire in July 2024. The Committee considered that without good reason for an adjournment, today's hearing should go ahead as scheduled.

18. In all the circumstances, the Committee was satisfied that it was fair and in the public interest to proceed with the hearing on the papers in the absence of both parties.

## **Case background**

### **Initial hearing – June 2021**

19. Mr Dirir's case was first considered by the PCC at a hearing held in June 2021. He was present at that hearing and was legally represented. The initial PCC considered and found proved allegations relating to the care and treatment Mr Dirir provided to one patient, Patient A, between 30 January 2019 and 18 April 2019, mainly in relation to the provision of a denture. The evidence adduced at the hearing in June 2021 included expert evidence presented on behalf of the GDC, as well as expert evidence presented on Mr Dirir's behalf.

20. The initial PCC found proved that Mr Dirir failed to carry out a sufficient diagnostic assessment of Patient A by failing to take any bite-wing radiographs during the period in question. It was also found proved that Mr Dirir failed to maintain an adequate standard of record keeping in respect of Patient A's appointments during the period concerned.

21. In considering whether the facts found proved against Mr Dirir amounted to misconduct, the PCC in June 2021 stated the following in its determination:

*In relation to your failure to carry out a sufficient diagnostic assessment by failing to take any bite-wing radiographs during the period in question, both experts gave the opinion that this fell below (as opposed to far below) the standard reasonably expected of you. The Committee accepted that opinion. In the Committee's judgment, although it amounted to a failure to provide an adequate standard of care to Patient A, this failure to take bite-wing radiographs was not in itself so serious or reprehensible as to meet the threshold of serious misconduct.*

*The Committee considered your record keeping failings. There are virtually no records for significant clinical events during the period in question, including: which crown had debonded and whether it was recemented on 30 January 2019; justification for the extraction of UL5 on 1 February 2019; and, on 19 March 2019, that the incorrect denture had been received from the laboratory, the nature of the denture that was fitted, why the denture that was fitted was different to what Patient A had consented to and paid for and details of any discussion with him regarding this.*

...

*...the Committee had regard to the fundamental importance of adequate record keeping in clinical practice, as expressed in standard 4.1 of the GDC's Standards for the Dental Team (September 2013):*

*You must make and keep contemporaneous, complete and accurate patient records.*

*In the Committee's judgment, clear, accurate and full records are, as a matter of principle, fundamental to patient safety, whether or not there was direct evidence of any risk of harm to the patient in the present case. The Committee noted that the failure to make and keep*

*adequate records to the extent demonstrated by you in the present case also potentially allows a practitioner to avoid accountability, as it cannot be identified from the records what had or had not previously been done in respect of any aspect of a patient's treatment.*

*In the Committee's judgment your record keeping was so deficient as to amount to a substantial breach of standard 4.1 quoted above. Indeed, although Ms Caro expressed the view that the deficiencies in your record keeping fell only below standard, it is difficult to envisage how clinical records could be any more deficient and lacking in necessary detail than those which you completed for Patient A.*

*Accordingly, the Committee found that the facts found proved under charge 2 in respect of your record keeping amount to misconduct.*

22. The initial PCC went on to determine that Mr Dirir's fitness to practise was impaired by reason of his misconduct on both public protection and wider public interest grounds. It stated in its decision on impairment that:

*In the Committee's judgment your misconduct is remediable through learning, reflection and embedded improvement in practice. There is evidence before the Committee of developing insight and that you have taken the first steps towards your remediation....*

...

*The Committee was reassured by the steps you have taken towards your remediation. However, in the Committee's judgment your remediation is still at an early stage and you are yet to demonstrate embedded improvement in practice. The Committee noted that your remediation evidence is lacking in any reflective statement by you on your misconduct.*

...

*In the Committee's judgment there remains at this stage a significant risk of repetition should you be allowed to practise without restriction. There is therefore a real risk of harm to the public, owing to the fundamental importance of record keeping. Further, public confidence in the profession and this regulatory process would be seriously undermined if no finding of impairment were to be made, owing to the risk of repetition and the extent of your record keeping failings, which fundamentally breached a basic standard of the profession. A finding of impairment is necessary both to protect the public and to declare and uphold appropriate standards of clinical practice.*

23. The initial PCC imposed an order of conditions on Mr Dirir's registration for a period of 12 months, with an immediate order. It also directed that a review of the order should be conducted shortly before the expiry of the 12-month period.

**First resumed hearing – July 2022**

24. The order of conditions imposed on Mr Dirir’s registration was reviewed by the PCC at a hearing held on 1 July 2022. The review was conducted on the papers in the absence of both parties.

25. The PCC in July 2022 determined that Mr Dirir’s fitness to practise remained impaired by reason of his misconduct. It stated in its determination that:

*In the Committee’s judgment, Mr Dirir is yet to demonstrate embedded improvement in practice and there remains a real risk of repetition should he be allowed to practise without restriction. This is because, owing to the retirement of his reporter and the closure of the Practice, he has not practised for approximately the last five months. As such, he has not had an opportunity to undertake and demonstrate the complete remediation expected by the initial PCC. The material before the Committee up until January 2022 from Mr Dirir’s workplace supervisor and the results of audits on his practice, show that his remediation is only partially complete. In the Committee’s judgment, there remains a risk to the public and to wider public confidence in the profession should Mr Dirir be allowed to resume practice without restriction. This is because his remediation is not yet complete with a resulting risk of harm to patients. In those circumstances, public confidence would also be seriously undermined if no restriction remained in place on his registration until his remediation is complete.*

26. The PCC in July 2022 extended the order of conditions in place on Mr Dirir’s registration by a period of 12 months, without variation, It also directed a further review shortly before the end of the extended period.

**Second resumed hearing – July 2023**

27. The second review of the substantive order of conditions was conducted by the PCC at a hearing on 3 July 2023. That review was undertaken on the papers in the absence of both parties.

28. The PCC in July 2023 determined that Mr Dirir’s fitness to practise continued to be impaired by reason of his misconduct, stating that:

*“The Committee noted that Mr Dirir ceased working following the retirement of his reporter in January 2022. Although Mr Dirir had demonstrated compliance with his conditions, given he has not worked since January 2022, this has limited his ability to demonstrate full remediation. The Committee determined that the risk of repetition remains and therefore that Mr Dirir remains a risk to the public. The Committee also considers that confidence in the profession and in the regulator would be undermined if a finding of impairment were not made. Accordingly, the Committee has determined that Mr Dirir’s fitness to practise remains impaired.”*

29. The order of conditions in place on Mr Dirir's registration was further extended by a period of 12 months, without variation, and the PCC in July 2023 directed another review prior to the expiry of that 12-month period.

### Today's resumed hearing – 7 June 2024

30. This is the third review of the substantive order of conditions first imposed on Mr Dirir's registration in June 2021. In comprehensively reviewing the order today, the Committee considered all the evidence provided. The Committee accepted the advice of the Legal Adviser.

31. The documentation before the Committee was as follows:

- The indexed PCC Review hearing bundle (47 pages).
- A bundle of enclosures provided on behalf of Mr Dirir (43 pages).
- The written submissions of the GDC (8 pages).
- The written submissions on behalf of Mr Dirir in the letter from the MDDUS dated 4 June 2024 (2 pages).

32. In its written submissions the GDC submitted that:

*The Committee will be aware that the persuasive burden that the Registrant's fitness to practise is no longer impaired lies with the Registrant (Abrahaem v General Medical Council [2008] EWHC 183 (Admin) ...*

*The Council submits that there is no evidence to show any material change in position since the last hearing. This is due to the fact that the Registrant is still not working in dentistry. It has therefore not been possible for the Council assess the Registrant's remediation by monitoring compliance with the conditions on his registration.*

*Although he is engaging with the Council, considering the Registrant has now not practiced dentistry since January 2022, it is considered that the Registrant is also likely to have de-skilled himself, which warrants a further period of conditions to be imposed to protect the public and the public interest.*

...

*For the reasons outlined above the Council submits that the order of conditions should be further extended for a period of 12 months".*

33. In the written submissions provided on behalf of Mr Dirir, his solicitor submitted that:

*Mr Dirir has not worked as a dentist since 17 January 2022 following the retirement of his Reporter, ..., the closure of his practice and [PRIVATE].*



*Mr Dirir has advised [PRIVATE] he considers he is in a position to return to work. Once a new Reporter has been approved by the GDC and is in place, it is Mr Dirir's intention to undertake a phased return to work seeking locum work.*

*In anticipation of his return to work Mr Dirir has undertaken a portfolio of CPD to ensure he is in a position to return to dental practice. A copy of Mr Dirir's CPD certificates are enclosed.*

*Mr Dirir wishes for the current Order of Conditions to be extended for 12 months to allow him time to return to work and to demonstrate his compliance with the conditions on his registration and remediate the clinical failures identified by the Professional Conduct Committee on 17 June 2021."*

### **Decision on impairment**

34. The Committee considered whether Mr Dirir's fitness to practise remains impaired by reason of his misconduct. In doing so, it exercised its independent judgement. It had regard to the overarching 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.

35. The Committee took into account that the failings that led to Mr Dirir's misconduct and the original finding of impairment were clinical in nature, relating to significant deficiencies in his record keeping. This Committee noted and agreed with the assessment of the previous Committees that the shortcomings identified in Mr Dirir's clinical practice are remediable. The Committee bore in mind that at this review, the persuasive burden is upon Mr Dirir to demonstrate that he has addressed his past impairment.

36. The Committee noted from the enclosures provided on Mr Dirir's behalf, the evidence of his early engagement with the conditions imposed on his registration. The Committee had regard to the reports provided by his then Reporter, appointed under the conditions, and to the audits that were undertaken of Mr Dirir's practice in the relevant areas of concern. The Committee considered that this evidence showed that positive progress was being made by Mr Dirir whilst he was still working.

37. However, Mr Dirir has not worked in clinical practice since January 2022, although it is his stated intention to return to dentistry. The Committee noted that there have been various reasons for Mr Dirir having paused his clinical practice, including the retirement of his Reporter. [PRIVATE].

38. The Committee considered that Mr Dirir has shown some insight into his misconduct, in that he has continued to engage with the fitness to practise process, which has included his continued completion of relevant and focused Continuing Professional Development (CPD). Notwithstanding this, as Mr Dirir has not been in clinical practice for some time, there is no evidence before the Committee to demonstrate that his learning has been embedded. The Committee also noted that Mr Dirir has not provided any evidence of his reflection on his misconduct, which was a concern raised by the initial PCC when it found his remediation to be lacking.



39. In the absence of any evidence of embedded improvement in Mr Dirir's clinical practice, particularly in respect of his record keeping, the Committee concluded that the risk of repetition remains high. In its view, there would be a risk to patients if Mr Dirir were permitted to resume unrestricted practice as a dentist without having sufficiently addressed the identified deficiencies. It therefore determined that a finding of impairment is necessary for the continued protection of the public.

40. The Committee also determined that a finding of impairment is required in the wider public interest. It considered that public confidence in the dental profession would be undermined if such a finding were not made, given that there are ongoing concerns in this case because of the limited nature of Mr Dirir's remediation to date. The Committee also considered that a finding of impairment would serve to uphold proper professional standards.

41. Accordingly, the Committee determined that Mr Dirir's fitness to practise is currently impaired by reason of his misconduct.

### **Decision on sanction**

42. The Committee next considered what action to take in respect of Mr Dirir's registration. It had regard to section 27C(2) of the Act, which sets out the options available to it at this review. The Committee also took into account the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016; last revised December 2020)*'. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect the public and the wider public interest. The Committee applied the principle of proportionality, balancing the public interest with Mr Dirir's own interests.

43. The Committee determined that it would be inappropriate to terminate the current order of conditions and take no further action or to allow the order to lapse. It has identified a risk of repetition in this case and such a course would not protect the public nor would it serve to promote and maintain public confidence or professional standards.

44. The Committee next considered whether a substantive order of conditions remains appropriate and sufficient to safeguard the public and the wider public interest. It took into account that Mr Dirir's misconduct relates to a discrete area of his clinical practice, namely his record keeping. The Committee considered that the concerns raised in this regard are serious, but not so significant that Mr Dirir could not continue in clinical practice, albeit with some restriction. The Committee also took into account that Mr Dirir has demonstrated some insight into his failings, has undertaken some recent and relevant CPD and has continued to engage with the fitness to practise process. For these reasons, the Committee was satisfied that an order of conditional registration continues to be adequate to protect the public and the wider public interest.

45. It was the view of the Committee that imposing a suspension order at this review would be disproportionate, particularly in light of the evidence of Mr Dirir's insight and engagement. The Committee was reassured on the basis of the material before it that he would comply with any conditions imposed.

46. In deciding to continue a substantive order of conditions on Mr Dirir's registration, the Committee took into account that he has now been out of clinical practice for over two years. In view of this, and in view of Mr Dirir's intention to resume clinical work, the Committee decided to vary the current order of conditions to include reference to a Personal Development Plan (new Conditions 6 and 7) with an aim to facilitating Mr Dirir's return to practice.

47. In all the circumstances, the Committee determined to vary and extend the current substantive order of conditions on Mr Dirir's registration for a period of 12-months. The Committee considered that a 12-month period would allow him sufficient time to demonstrate how he has been working under the conditions to address the deficiencies identified in his clinical practice.

48. The following conditions, including the variation, are set out as they will appear against Mr Dirir's name in the Dentists Register:

1. He must notify the GDC within 7 days of any professional appointment he accepts and provide the contact details of his employer or any organisation for which he is contracted to provide dental service and the Commissioning Body on whose Dental Performers List he is included.
2. He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services, and any Reporter referred to in these conditions.
3. He must inform the GDC within 7 days of any formal disciplinary proceedings taken against him, from the date these conditions take effect.
4. He must inform the GDC within 7 days of any complaints made against him from the date these conditions take effect.
5. He must inform the GDC within 7 days if he applies for dental employment outside the UK.
6. He must formulate a Personal Development Plan with specific focus on his return to clinical practice.
7. He must provide a copy of the Personal Development Plan (referred to in Condition 6 above) to the GDC within 28 days of the date on which these conditions become effective.
8. At any time he is providing dental services, which require him to be registered with the GDC, he must agree to the appointment of a Reporter nominated by him and approved by the GDC. The Reporter will be in the same category of the register or higher.
9. He must present the Reporter with a copy of this determination and a copy of the papers before this Committee, suitably anonymised and provide written evidence of this to the GDC within 7 days of the Reporter being approved.
10. He must provide a written report from his Reporter to the GDC every three months and at least 14 days prior to any review hearing.
11. He shall carry out audits at least every three months on the following:
  - a. Record keeping

- b. Radiography
- c. Laboratory prescriptions

The audits must be signed by his Reporter.

12. He must provide a copy of these signed audits to the GDC every 3 months and at least 14 days prior to any review.

13. He must inform within one week the following parties that his registration is subject to conditions, listed at (1) to (12), above:

- a. Any organisation or person employing or contracting with him to undertake dental work;
- b. Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application);
- c. Any prospective employer (at the time of application); and,
- d. The Commissioning Body in whose Dental Performers List he is included or seeking inclusion (at the time of application).

14. He must permit the GDC to disclose the above conditions (1) to (13) to any person requesting information about his registration status.

49. The Committee directs that a review of this order of conditions should take place at a resumed hearing to be held shortly before the end of the 12-month period. Mr Dirir will be informed of the date and time of that resumed hearing.

50. Unless Mr Dirir exercises his right of appeal, the current order of conditions on his registration will be varied, in the terms set out above, and will be extended by a period of 12 months, 28 days from the date that notice of this direction is deemed to have been served upon him. In the event that he does exercise his right of appeal, the order of conditions currently in place on his registration will remain in force until the resolution of the appeal.

51. That concludes this determination.