

PRIVATE HEARING

Health Committee Review Hearing

29 November 2024

Name: WILLIAMS, Charlotte

Registration number: 287262

Case number: CAS-203182-J5N0K9

General Dental Council: Rosie Geddes - IHLPS

Registrant: Not Present and unrepresented

Fitness to practise: Impaired by reason of misconduct, adverse health and conviction

Outcome: Suspension extended (with a review)

Duration: 12 months

Committee members: Gill Mullen(Chair and lay member)
Clare McIlwaine(DCP member)
Sobiah Sattar (Dentist member)

Legal adviser: Melanie Swinnerton

Committee Secretary: Jamie Barge

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

1. This was a resumed hearing pursuant to Section 36Q of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing was for this Health Committee (HC) to review Ms Williams's case and determine what action to take in relation to her registration. The hearing took place remotely on Microsoft Teams.
2. Neither party was present nor represented today. The General Dental Council (GDC) requested that the hearing be conducted on the papers and it provided written representations.

Decision on Service of the Notice of Hearing

3. The Committee first considered whether notice of the hearing had been served on Ms Williams in accordance with Rules 28 and 65 of the GDC's Fitness to Practise Rules 2006 ('the Rules') and Section 50A of the Dentists Act 1984 (as amended) ('the Act'). The Committee received from the GDC an indexed hearing bundle, which contained a copy of the Notice of Hearing ('the notice'), dated 21 October 2024, thereby complying with the 28-day notice period. The notice was sent by special delivery and first-class post to Ms Williams's registered address. The Committee had before it a copy of a Royal Mail document which showed that the notice of hearing letter was delivered and signed for on 24 October 2024. The notice was also emailed to Ms Williams on 21 October 2024.
4. The Committee was satisfied that the notice sent to Ms Williams contained proper notification of today's hearing, including its time, date and that it will be conducted remotely, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in Ms Williams's absence.
5. On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Williams in accordance with the Rules and the Act.

Decision on Proceeding in the Registrant's Absence

6. The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Ms Williams. The Committee approached the issue of proceeding in absence with the utmost care and caution. It took into account the factors to be considered in reaching its decision, as set out in the case of *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162. It remained mindful of the need to be fair to both Ms Williams and the GDC, taking into account the public interest and Ms Williams's own interests in the expeditious review of the suspension order imposed.
7. It first concluded that all reasonable efforts had been taken to send the notification of hearing to Ms Williams in accordance with the Rules. It noted that the GDC had sent a further email and attempted to telephone call to Ms Williams on 27 November 2024 in respect of the hearing taking place on the papers, but no response was received. Ms Williams did not attend the substantive hearing and has not engaged with these proceedings since then. No request has been made on her behalf for the hearing to be postponed or adjourned on the grounds that she is ill or for any other reason. The Committee also noted that the suspension order will expire on 14 January 2025 and that there was a statutory duty for the order to be reviewed before then. The Committee concluded that Ms Williams had voluntarily absented herself and that to adjourn the hearing would not secure her attendance.

8. In those circumstances, the Committee determined that the Registrant has voluntarily waived her right to attend the hearing and that it was fair and appropriate to proceed with the hearing in the absence of Ms Williams and on the papers.

Private Hearing

9. The Committee noted the GDC's application, made in its written submissions, for today's hearing to be held in private. In the absence of either party, the Committee's review of the substantive order on Ms Williams's registration was conducted on the basis of the papers in the absence of any public observers. Nevertheless, in light of some of the information before it, which relates to Ms Williams's health, and following advice from the Legal Adviser, the Committee had regard to its power under Rule 53 of the Rules. It decided that it would produce a private and public version of its determination.

Background

10. On 13 December 2022, the HC found Ms Williams's fitness to practise as a dental nurse to be impaired by reason of: (i) misconduct; (ii) conviction; and (iii) adverse physical or mental health. Ms Williams was neither present nor represented at the hearing before the HC but had made written submissions which the HC took into account.

11. The HC summarised Ms Williams's misconduct as follows:

"...The Committee considers that Ms Williams conduct fell far short of the standards reasonably expected of a dental care professional. The Committee considers that Ms Williams, despite making a self-referral to the GDC, had a mandatory requirement to co-operate with the GDC's investigation. It is satisfied she failed to respond to requests made over a number of months, despite having had numerous opportunities to engage, and this represents a breach of a fundamental tenet of the profession. The Committee is satisfied that Ms Williams has demonstrated a disregard towards the profession which potentially risked these matters going undetected by her regulatory body..."

12. In finding Ms Williams's fitness to practise to be impaired by reason of misconduct, the HC stated:

"...In the absence of any evidence of remediation there remains a risk of repetition. There is a real risk to the public should Ms Williams be allowed to practise without restriction. Public confidence in the profession and this regulatory process also demands a finding of impairment given the seriousness of Ms Williams' failings. The public expects all dental professionals to act in a way both at work and in their private life which justifies the trust that patients place in them and the dental profession at large. She has acted in a way that has led to the GDC being unable to fully investigate the matter and in particular Ms Williams current state of health, which are clearly serious matters, and conduct that is inconsistent with the standards expected of those on the Register..."

13. In finding Ms Williams's fitness to practise to be impaired by reason of conviction, the HC stated: "...The Committee considered that the Registrant has not provided sufficient evidence of insight into her past wrong-doing and any remediation taken by her. [IN PRIVATE]. Her conduct potentially put members of the public at risk..."

14. In finding Ms Williams's fitness to practise to be impaired by reason of adverse physical or mental health, the HC stated:

[IN PRIVATE]

15. The HC directed that Ms Williams's registration be suspended for a period of twelve months with a review, stating:

“...In reaching its decision, the Committee did consider the sanction of erasure in so far as it related to misconduct and conviction. It had regard to paragraph 7.34 of the Guidance and noted that some of the factors for directing erasure were also present in this case. However, having considered the guidance, the Committee was of the view that suspension was more appropriate in the circumstances of this case.

The Committee has determined to suspend Ms Williams’ registration for a period of 12 months. It considered that a 12-month period would serve to protect the public and would satisfy the wider public interest. It also considered that this period would give Ms Williams sufficient time to remediate fully [IN PRIVATE]

16. In directing that the period of suspension be reviewed, the HC stated that the reviewing Committee might be assisted by:
- Attendance at the next review PCC hearing.
 - Reflective statement.
 - [IN PRIVATE]
 - [IN PRIVATE]

Submissions

17. In its written submissions, the GDC stated that Ms Williams has not engaged with the GDC since 8 December 2023 or responded to any correspondence sent to her. It further submitted that, Ms Williams has not provided any evidence of remediation or insight into her misconduct, or any information in respect of her conviction or health condition. Therefore, the GDC submitted that Ms Williams’s fitness to practise remained impaired by reason of her misconduct, conviction and health. The GDC invited the Committee to impose a further period of suspension for 12 months.

Committee’s Decision on Impairment

18. It is the role of the Committee today to undertake a comprehensive review as per the request of the GDC. In doing so, the Committee had careful regard to all the documentary evidence before it and took account of the GDC’s written submissions. No written submissions were received by or on behalf of Ms Williams. The Committee also heard and accepted the advice of the Legal Adviser. The Committee had regard to the *Guidance for the Practice Committees including Indicative Sanctions Guidance, October 2016, revised December 2020, (“PCC Guidance”)*.
19. In making its decision, the Committee first sought to determine whether Ms Williams’s fitness to practise is still impaired by reason of her misconduct, conviction and her adverse health. It exercised its independent judgement and was not bound by the decision of the previous committee. It balanced Ms Williams’s needs with those of the public and bore in mind that its primary duty is to protect the public, including by maintaining public confidence in the profession and declaring and upholding proper standards and behaviour.

Impaired by reason of health

20. The Committee bore in mind that there is a persuasive burden on Ms Williams to demonstrate that her fitness to practise is not currently impaired. However, there has been no engagement with these proceedings from Ms Williams since the initial HC hearing in December 2023. [IN PRIVATE]. In those circumstances, the Committee today is in no different a position to the HC in December 2023 and determined that Ms Williams’s fitness to practise continues to be impaired on health grounds for the same reasons which were expressed by the HC.

Impaired by reason of conviction

21. The Committee went on to consider whether Ms Williams' fitness to practise is currently impaired by reason of her conviction.
22. Not every conviction will automatically result in a finding of current impairment. Ms Williams has been convicted of a driving offence. The Committee considered that the Registrant has not provided any evidence of insight into her past wrong-doing and any remediation taken by her. [IN PRIVATE]. Her conduct could potentially put members of the public at risk.
23. Accordingly, the Committee determined that Ms Williams' fitness to practise remains currently impaired by reason of her conviction.

Impaired by reason of misconduct

24. The Committee next considered whether Ms Williams' fitness to practise remains currently impaired by reason of her misconduct. Ms Williams did initially engage in the process, however, from April 2023 she failed to engage and respond to various requests by the GDC. This was in breach of professional standards and has been found to amount to misconduct. She has demonstrated limited evidence of insight, remorse or reflection. The evidence points towards a consistent failure to cooperate with her regulatory body's investigation. She has not demonstrated any understanding of the importance of engaging and cooperating with her regulator. There is no evidence of remediation before the Committee.
25. The Committee has determined that Ms Williams' fitness to practise is currently impaired by reason of her misconduct. In the Committee's judgement there remains a real risk of harm to the public and to wider public confidence in the profession in relation to Ms Williams' misconduct. In the absence of any evidence of insight or remediation before this reviewing Committee, there remains a real risk of repetition. Public confidence in the profession and its regulation would also be undermined if no finding of impairment were to continue to be made on this ground.
26. Accordingly, the Committee determined that Ms Williams' fitness to practise is currently impaired by reason of her misconduct.

Committee's Decision on Sanction

27. The Committee next considered what sanction, if any, should be imposed on Ms Williams' registration. It bore in mind the need to protect patients and the public interest. The Committee once again had regard to the principle of proportionality, weighing the interests of the public with Ms Williams's own interests.
28. The Committee was satisfied that taking no action and allowing the current suspension to expire would not protect the public. The Committee was also satisfied that imposing conditions would not be workable owing to Ms Williams' continuing non-engagement with these proceedings. Conditions would not be in the public interest or protect patients as there is no evidence before this Committee that the concerns about her misconduct and health have been addressed.
29. The Committee therefore determined that only a further period of suspension was sufficient and proportionate. The Committee determined that the suspension should be for a further 12 months in the circumstances to allow Ms Williams to engage with the GDC and provide evidence recommended at the substantive hearing and there should be a review before its expiry.
30. Ms Williams has 28 days, from the date that notice is deemed to have been served upon her, to appeal this Committee's direction. Unless Ms Williams exercises her right of appeal, the current suspension order on her registration will be extended by a period of 12 months from the date that the current order would otherwise expire. In the event that Ms Williams does exercise her right of appeal, the current suspension order will remain in force until the resolution of the appeal.
31. That concludes this hearing.