

PRIVATE HEARING

Professional Conduct Committee Initial Hearing

8 - 9 July 2024

Name: SYED, Sidra Hamid
Registration number: 274419
Case number: CAS-205650-Q7B3T9

General Dental Council: Mr Kevin Saunders, Counsel.
Instructed by Rosie Geddes, IHLPS

Registrant: Present
Unrepresented

Fitness to practise: Impaired by reason of misconduct

Outcome: Erased

Immediate order: Immediate suspension order

Committee members: Peter Watson (Lay, Chair)
Gezala Umar (Dentist)
Julie Byrom (Dental Care Professional)

Legal adviser: Tehniat Watson

Committee Secretary: Andrew Keeling

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.

Miss Syed,

1. This was a Professional Conduct Committee (PCC) hearing. You attended the hearing, but you were not represented. Mr Kevin Saunders, Counsel, presented the General Dental Council's (GDC) case. The hearing was held remotely on Microsoft Teams.

Preliminary Matter

2. At the outset of the hearing, Mr Saunders informed the Committee that there were references in the hearing bundle concerning your health and private life that may be subject to the provisions of Rule 53 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules') in respect of whether the hearing should be heard in private.
3. The Committee accepted the advice of the Legal Adviser and determined that the hearing should be heard entirely in private in light of the issues raised in the hearing bundle which included reference to your health and private life. The Committee further determined that any reference to these matters would be removed from the public version of the determination.

Charge

4. The charge against you, as contained in the notification of hearing dated 28 May 2024, was incorporated into the record of these proceedings as follows:

"That being registered as a dental care professional:

1. *During June 2022, you misappropriated monies from [IN PRIVATE: Text omitted].*
2. *Your conduct in relation to 1 above was:*
 - a) *Misleading, in that you initially denied your conduct in relation to 1.*
 - b) *Dishonest.*
 - c) *An abuse of a position of trust.*

AND that by reason of the facts alleged, your fitness to practise is impaired by reason of misconduct."

Admissions

5. You informed the Committee that you admitted all the factual particulars within the charge, as set out at heads of charge 1 and 2. However, you denied that your fitness to practice was impaired by reason of misconduct.

Findings of Fact – 8 July 2024

6. The Committee noted your admissions. The Committee accepted the advice of the Legal Adviser.
7. The Committee considered its powers and in line with GDC's 'Guidance on Admissions made at the Preliminary Stage in Fitness to Practise Proceedings' (issued in October 2022) the Committee announced all the admitted factual allegations as found proved.

Stage Two

8. The hearing moved to Stage 2. Mr Saunders provided the Committee with a brief background to the case.

Background to Case

9. He submitted that at the material times, you were employed as a Head Nurse at [IN PRIVATE: Text omitted]. On 6 July 2022, the GDC had received a complaint from an informant stating that, you had "been refunding money onto her own bank card. And other bank account details. We have a full written confession and the authorities have been involved." The initial concerns had been raised by the operators of the card machine at the dental practice following an attempted refund onto a payment card that had never made a payment via the card machine. An internal investigation was undertaken and the practice had requested a full list of transactions in respect of refunds to cards that had never made a payment. The transactions totalled £3920.
10. You were initially questioned by the practice and agreed to provide the last four digits of your personal bank card. This card number matched three of the transactions made. You attended a HR interview at the practice and initially denied the allegations. Mr Saunders submitted that you were suspended from the dental practice and subsequently admitted that you had refunded £3920 onto your friends' bank cards. You were dismissed for gross misconduct.

11. [IN PRIVATE: Text omitted.]

Submissions

12. At this stage of the hearing, the Committee considered whether the facts found proved amounted to misconduct and, if so, whether your fitness to practise was currently impaired by reason of your misconduct, and if so, what sanction, if any, should be imposed. The Committee heard and accepted the Legal Adviser's advice on all of these matters. In accordance with Rule 20 of the Rules, the Committee first heard submissions from Mr Saunders, on behalf of the GDC, and from you, in relation to the matters of misconduct, impairment and sanction.

13. In addition to his oral submissions, Mr Saunders referred the Committee to his written 'Opening Note', which the Committee had received. He submitted that your dishonest behaviour amounted to serious misconduct because it was repeated, it was done for personal gain, it was deliberate and planned, it had been a cover up and an abuse of a position of trust. He also referred the Committee to the relevant sections on dishonesty in the *Guidance for the Practice Committees, including Indicative Sanctions Guidance, (October 2016, revised December 2020) ('the GDC's Guidance')*.
14. In respect of impairment, Mr Saunders took the Committee through your remediation evidence. He submitted that the only potentially relevant evidence to the issue of dishonesty were the certificates confirming you had undertaken two 30-minute courses on legal ethics. He submitted that this did not amount to comprehensive or substantial remediation. Furthermore, he submitted that your reflective learning on these courses was inadequate and insufficient.
15. [IN PRIVATE: Text omitted.]
16. Therefore Mr Saunders submitted that, having regard to the seriousness of the misconduct and the inadequacy of the evidence of remediation, your fitness to practise was currently impaired by reason of your misconduct.
17. In respect of sanction, Mr Saunders submitted that the appropriate sanction in all the circumstances of this case would be one of erasure.
18. You submitted that you have been a dental nurse for six years and have enjoyed providing support and care to patients throughout this period. You understood the allegations made against you and fully acknowledged the mistakes you have made and deeply regret the harm you have caused. [IN PRIVATE: Text omitted.] You sincerely apologised for your actions and submitted that they will never be repeated as you were fully committed to your personal and professional development.
19. You submitted that there was a lack of public interest in this case and that your employer took no criminal action. You submitted that public monies were not involved as it was a private practice. However, you acknowledged the impact on the dental practice and you stated that public confidence may have been affected. You submitted that you understood the importance of honesty in healthcare. [IN PRIVATE: Text omitted]. You submitted you had undertaken several Continuing Professional Development (CPD) courses and had included the certificates in the documents provided to the Committee.
20. You submitted that your fitness to practise was not impaired. You submitted that your conduct was an isolated incident that was initially triggered by [IN PRIVATE: Text omitted]. You were confident that you would deal with matters differently now by [IN PRIVATE: Text omitted]. Furthermore, you submitted that you were [IN PRIVATE: text omitted] and undertaking further CPD courses.

21. You submitted that you firmly believed that your registration should not be suspended or revoked as you stated that you were fully dedicated to the dental field. You submitted that you had taken proactive steps to actively ensure your fitness to practise remained intact.

The Committee's Decision

Misconduct

22. The Committee first considered whether the facts found proved against you amounted to misconduct. In doing so it had regard to the GDC publication *Standards for the Dental Team (2013)*. It considered that your conduct was in breach of the following sections in particular:

1.3 You must be honest and act with integrity.

1.3.1 You must justify the trust that patients, the public and your colleagues place in you by always acting honestly and fairly in your dealings with them. This applies to any business or education activities in which you are involved as well as to your professional dealings.

1.3.2 You must make sure you do not bring the profession into disrepute.

9.1 You must ensure that your conduct, both at work and in your personal life, justifies patients' trust in you and the public's trust in the dental profession.

23. The Committee considered that your actions were serious. The Committee noted that your actions were premeditated and included a degree of planning, in that you had sought to refund some of the transactions onto your friends' bank cards. Your actions were also repetitive and were solely done for financial gain. The Committee also noted that you had abused your position of trust as head dental nurse. Furthermore, when you were initially challenged by the practice, you denied the allegations.

24. The Committee concluded that your actions were a serious departure from, and a clear breach of GDC standards and they brought the profession into disrepute. The Committee also determined that your actions would be seen as such by fellow members of the dental profession and members of the public alike. The Committee concluded, therefore, that your actions in this case had fallen far short of the standards of conduct that are proper in these circumstances and amounted to misconduct.

Impairment

25. The Committee then considered whether your fitness to practise was currently impaired by reason of your misconduct.

26. The Committee was mindful of its role to protect the public interest, which includes the need to maintain proper standards of conduct and competence among dental professionals, and to protect patients from risk of harm.
27. In considering impairment, the Committee reviewed the Fifth Shipman report by Dame Janet Smith which set out the following four potential grounds to consider when determining current impairment:
1. *He/she has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm;*
 2. *He/she has in the past brought and/or is liable in the future to bring the medical profession into disrepute;*
 3. *He/she has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession;*
 4. *He/she has in the past acted dishonestly and/or is liable to act dishonestly in the future.*
28. The Committee considered that limbs 2, 3 and 4 were engaged in this case.
29. The Committee also considered the case of *Cohen v GMC [2008] EWCH 581 (Admin)* to determine whether your act of misconduct was easily remediable, whether it had been remedied and whether it was highly likely to be repeated.
30. The Committee considered that dishonesty was not easily remediable as it was an attitudinal failing. In determining whether your misconduct had been remedied, the Committee considered your remediation evidence, including whether you possessed any insight into your misconduct. The Committee noted that you now acknowledged and admitted the allegations and have engaged with the GDC throughout its investigation. You have also apologised for your actions and have shown some remorse. However, the Committee noted that during your submissions at this hearing you appeared to minimise the seriousness of your dishonesty when you stated that there was a lack of public interest as public monies were not involved as it was a private practice. While you acknowledged the impact on the dental practice and stated that public confidence may have been affected, the Committee concluded that you did not fully appreciate the seriousness and impact of your dishonesty on public confidence in the dental profession, including the need to maintain proper standards of conduct. The Committee determined, therefore, that you possessed limited insight into your misconduct.
31. The Committee also considered the reasons you provided for the cause of your actions. [IN PRIVATE: Text omitted]. In respect of your remediation evidence, the Committee noted the CPD courses you had undertaken and the testimonial submitted on your behalf. However, the Committee found this evidence to be insufficient and limited and not targeted to addressing the issue of dishonesty.

32. The Committee concluded therefore that owing to your limited insight and the insufficient evidence of remediation, a risk of repetition remained. The Committee acknowledged that no patients were harmed as a result of your actions and that a finding of impairment was not necessary in the interest of public protection. However, the Committee determined that a finding of impairment was necessary in the wider public interest to maintain public confidence and uphold proper standards of conduct and behaviour. You have breached fundamental standards of probity and to date shown only limited insight into this serious matter. The Committee concluded that a reasonable and informed member of the public, fully aware of the facts of the case, would lose confidence in the profession and the dental regulator if a finding of impairment were not made in the circumstances of this case.
33. The Committee therefore determined that your fitness to practise is currently impaired by reason of your misconduct.

Sanction

34. The Committee next considered what sanction, if any, to impose on your registration. It recognised 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 your interest with the public interest. It also took into account the *GDC's Guidance*.
35. The Committee first considered the mitigating and aggravating factors in this case, referencing paragraphs 5.17 and 5.18 of the GDC's Guidance.
36. The mitigating factors in this case include:
- Your personal circumstances leading up to the dishonesty incident – the Committee acknowledged that [IN PRIVATE: Text omitted]. However, it did not place much weight on it as outlined in its decision above;
 - Evidence of previous good character (as outlined in the testimonial provided);
 - Evidence of remorse shown and insight (albeit limited). The Committee also noted that you had paid back fully the monies owed to the practice.
37. The aggravating factors in this case include:
- Premeditated misconduct;
 - Financial gain by you;
 - Breach of trust;
 - Misconduct repeated over a period of time;
 - Attempts to cover up wrongdoing;
 - Lack of full insight.

38. 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 misconduct.
39. The Committee then considered the available sanctions in ascending order starting with the least serious.
40. 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. The public interest would not be sufficiently protected by the imposition of such a sanction. The Committee therefore determined that a reprimand would be inappropriate and inadequate.
41. The Committee considered whether a conditions of practice order would be appropriate. The Committee was mindful that it was difficult for conditions to address attitudinal failings, such as dishonesty. Furthermore, the Committee was of the view that conditions would not therefore be workable, and were neither sufficient nor appropriate to address the seriousness of the misconduct and safeguard the wider public interest.
42. The Committee next considered whether to suspend your registration for a specified period. It questioned whether a suspension would be sufficient in all the circumstances regarding the misconduct that it had found. In reaching its decision, the Committee had regard to the factors listed under paragraph 6.28 of the Guidance, which dealt with the sanction of suspension, and considered that most of the factors listed applied. However, this paragraph made clear that a suspension may be appropriate where there is *“no evidence of harmful deep-seated personality or professional attitudinal problems”*. The Committee considered that there was evidence that you have a professional attitudinal problem as you have shown limited insight and insufficient remediation. Furthermore, owing to the seriousness of your misconduct, the Committee concluded that the suspension of your registration would not be sufficient or proportionate to maintain the public’s confidence in the dental profession.
43. In considering whether the sanction of erasure was proportionate and appropriate, the Committee had regard to paragraph 6.34 of the GDC’s Guidance, which states:
- “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.”*
44. The Committee considered the following factors applied in this case:
- *“serious departure(s) from the relevant professional standards;*
 - *serious dishonesty, particularly where persistent or covered up”;*

45. The Committee also had particular regard to the sections on dishonesty in the GDC's Guidance. It noted the following:

“Dishonesty, particularly when associated with professional practice, is highly damaging to the dental professional's fitness to practise and to public confidence in the profession. Examples of dishonesty in professional practice included... defrauding an employer...”

“It is a matter for the Committee to determine where on the spectrum of seriousness the Registrant's dishonesty lies. However, dishonesty that is persistent and/or covered up, is likely to result in erasure.

Where dishonesty is a central feature of a Committee's decision, there will always be a severe risk of a registrant's name being erased from the register.”

46. The Committee had regard to paragraph 61 of the GDC's Guidance and noted that this was not a case where the dishonest conduct may be considered less serious. This was because the misconduct was not a “one-off”, it was not “spontaneous”, you had “direct personal gain”, and the misconduct was in the context of your professional practice.

47. It noted that your dishonest behaviour was deliberate, persistent and covered up, and took place whilst you were working as a head dental nurse. You have also demonstrated limited insight into your behaviour, provided insufficient evidence of remediation and a risk of repetition remains. The Committee concluded that your conduct was a serious departure from the standards expected of dental professionals. Given these reasons, the Committee concluded that your behaviour was fundamentally incompatible with being a dental professional.

48. In all the circumstances, the Committee has determined to erase your name from the Register.

49. The Committee will now consider whether an immediate order should be imposed on your registration, pending the taking effect of its determination for erasure.

Decision on Immediate Order (9 July 2024)

50. The Committee has considered whether to make an order for the immediate suspension of your registration in accordance with Section 36U of the Dentists Act 1984 (as amended).

51. Mr Saunders, on behalf of the GDC, submitted that such an order is necessary for the protection of the public and is otherwise in the public interest. He submitted that this would be appropriate in view of the Committee's determination in which it had determined that there was a risk of repetition of the misconduct found. Furthermore, he

submitted that an immediate order was necessary in light of the Committee's determination that a finding of impairment was necessary in the wider public interest to maintain public confidence in the profession and to maintain proper standards of conduct and behaviour.

52. You made no submissions on this matter.
53. The Committee has considered the submission made. It has accepted the advice of the Legal Adviser.
54. The Committee is satisfied that an immediate order of suspension is necessary in the public interest. The Committee concluded that given the nature of its findings and its reasons for the substantive order of erasure in your case, it is necessary to direct that an immediate order of suspension be imposed on this ground. The Committee considered that, given its findings, if an immediate order was not made in the circumstances, public confidence in the profession would be undermined.
55. The effect of this direction is that your registration will be suspended immediately. Unless you exercise your 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 you. Should you exercise your right of appeal, this immediate order for suspension will remain in place until the resolution of any appeal.
56. The Committee also directs that the interim order currently in place on your registration should be revoked.
57. That concludes this hearing.