

HEARING HEARD IN PUBLIC

*The Committee has made a determination in this case that includes some private information.
That information has been omitted from the text.

BLACKMAN, Lloyd Thomas Julian

Registration number: 229789

PROFESSIONAL CONDUCT COMMITTEE

JUNE 2022 – NOVEMBER 2022

Outcome: Erasure with Immediate Suspension

BLACKMAN, Lloyd Thomas Julian, a dentist, BDS University of Plymouth 2012, is summoned to appear before the Professional Conduct Committee on Monday 27 June 2022 for an inquiry into the following charge:

Charge (as amended and read on 28 June 2022 and as further amended on 5 July 2022)

“That being a registered dentist:

Person 1

1. Between 01 November 2019 and 18 August 2020, you:
 - a. Texted Person 1, whilst staying in a hotel, “Lol if I get up I’ll bring you one. What’s it worth lol” implying food would be brought in exchange for sex.
 - b. Said to Person 1, in the Green Room, “While you’re down there”, or words to that effect, when she was knelt on the floor to retrieve an item from a cupboard, suggesting she engage in a sexual act;
 - c. Pushed a chair that Person 1 was sat in, in the Green Room, and stated you “liked to hear her heavy breathing”, or words to that effect;
 - d. Asked Person 1, in the Green Room, how much she would charge to be your escort, or words to that effect;
 - e. Asked Person 1 to keep her head up whilst she was bending down, or words to that effect, implying that you wanted to look at her breasts, in the Green Room;
 - f. Pulled Person 1’s hair, whilst she was working on a computer in the Green Room, and said “do you like it when I pull your hair. It reminds me of Fifty Shades of Grey” or words to that effect;

- g. Asked Person 1, in the Green Room, how quickly she could take off her bra and said that if she could do it under 10 seconds you would pay her, or words to that effect.
- h. Said to Person 1 you “were impressed she didn’t gag” when you took an X-ray of her wisdom teeth and that you would like to try her gag reflex out, or words to that effect.

Person 2

- 2. Between 01 July 2018 and 18 August 2020, you:
 - a. Asked Person 2 if she used sex toys, or words to that effect;
 - b. Took photos of Person 2 and stated “beautiful, that’s so sexy”, or words to that effect;
 - c. Made a comment to Person 2 about “playing with balls” which was a reference to genitalia;
 - d. Asked Person 2 to show you photographs from Person 2’s Snapchat in exchange for you providing Person 2 with tooth whitening;
 - e. Said to Person 2 “oh I like small girls, easier to put their leg on my shoulder”, referring to sexual positions, or words to that effect;
 - f. Requested that Person 2 walk in front on you and said “you go first” and/or “after you” and/or “well I have got all day”, or words to that effect, implying that you wanted to observe her from behind, on more than one occasion;
 - g. Deliberately blocked the path of Person 2, creating unnecessary physical contact and/or proximity, on more than one occasion;
 - h. Said to Person 2, whilst providing dental treatment to her, words to the effect of:
 - i. “you like that do you” whilst your finger was in Person 2’s mouth;
 - ii. “oh sexy” whilst Person 2 rinsed her mouth.

Person 3

- 3. On one occasion in 2016, you:
 - a. Asked Person 3, in the Green Room, if she had ever had an orgasm, or words to that effect;
 - b. Offered to show Person 3 what an orgasm felt like, in the Green Room, or words to that effect;
 - c. Said to Person 3 “go on give it a go. No one will know”, in reference to showing Person 3 what an orgasm felt like, in the Green Room, or words to that effect;
 - d. Touched the area of Person 3’s clitoris without her consent, in the Green Room.

4. Between 01 January 2016 and 18 August 2020, you:
 - a. Asked Person 3 to “stay there” and commented that you had a good view, or words to that effect, more than once when she was getting something from a drawer, in the Surgery Room implying that you wanted to look at her breasts and posterior;
 - b. Asked Person 3 if she had ever used a dildo, in the Green Room;
 - c. Offered Person 3 a pay rise in return for oral sex, in the Green Room;
 - d. Asked Person 3 if she wanted to get a hotel with you on a Team Building trip;
 - e. Asked to Person 3 if she wanted to do anything with you, referring to a sexual relationship, on more than one occasion;
 - f. Said to Person 3 that you would give her “a proper milkshake”, referring to ejaculation, on more than one occasion;
 - g. Asked Person 3, in reference to a banana, “how much of that can you get down your throat?”, or words to that effect, in the Staff Room;
 - h. Looked through a window into the Manager’s Office where you knew Person 3 was getting undressed;
 - i. Deliberately stood in Person 3’s way and/ or brushed past her as she walked up stairs and/or in corridors, creating unnecessary physical contact and / or proximity, on more than one occasion;
 - j. Asked Person 3 if she fancied running away with you, or words to that effect, on more than one occasion;
 - k. Asked Person 3 if she would lift her trousers to see a “camel toe”, or words to that effect, in the Green Room.

Person 4

5. Between 01 November 2018 and 26 August 2020, you:
 - a. Texted Person 4 that you weren’t going to be with your wife for much longer and if she wanted to have some fun to let you know;
 - b. Texted Person 4 to say that an affair would not affect work but to let you know if it was something that she wanted after she declined your sexual advances;
 - c. Texted Person 4 “are you sure?” after she had declined your sexual advances.

Person 5

6. On one occasion during 2020, in Surgery Room 5, you attempted to put your hand down Person 5’s top without her consent.
7. Between 01 August 2014 and 18 August 2020, you:
 - a. Asked Person 5 to have an affair with you on more than one occasion;

- b. Offered Person 5 a pay rise in return for oral sex and/or other sexual acts on more than one occasion;
- c. Texted Person 5 to say that you “would love to see you floating on that subbed (*sic*)”;
- d. Texted Person 5 to say that you wanted to “fist” her or words to that effect.

General

8. Your conduct in respect of the following charges was unprofessional;

- a. Charge 1(a);
- b. Charge 1(b);
- c. Charge 1(c);
- d. Charge 1(d);
- e. Charge 1(e);
- f. Charge 1(f);
- g. Charge 1(g);
- h. Charge 1(h);
- i. Charge 2(a);
- j. Charge 2(b);
- k. Charge 2(c);
- l. Charge 2(d);
- m. Charge 2(e);
- n. Charge 2(f);
- o. Charge 2(g);
- p. Charge 2(h)(i) and/or Charge 2(h)(ii);
- q. Charge 3(a);
- r. Charge 3(b);
- s. Charge 3(c);
- t. Charge 3(d);
- u. Charge 4(a);
- v. Charge 4(b);
- w. Charge 4(c);
- x. Charge 4(d);

- y. Charge 4(e);
 - z. Charge 4(f);
 - aa. Charge 4(g);
 - bb. Charge 4(h);
 - cc. Charge 4(i);
 - dd. Charge 4(j);
 - ee. Charge 4(k);
 - ff. Charge 5(a);
 - gg. Charge 5(b);
 - hh. Charge 5(c);
 - ii. Charge 6;
 - jj. Charge 7(a);
 - kk. Charge 7(b);
 - ll. Charge 7(c);
 - mm. Charge 7(d).
9. Your conduct in respect of the following charges was harassing:
- a. Charge 1(a);
 - b. Charge 1(b);
 - c. Charge 1(c);
 - d. Charge 1(d);
 - e. Charge 1(e);
 - f. Charge 1(f);
 - g. Charge 1(g);
 - h. Charge 1(h);
 - i. Charge 2(a);
 - j. Charge 2(b);
 - k. Charge 2(c);
 - l. Charge 2(d);
 - m. Charge 2(e);
 - n. Charge 2(f);
 - o. Charge 2(g);

- p. Charge 2(h)(i) and/or Charge 2(h)(ii);
 - q. Charge 3(a);
 - r. Charge 3(b);
 - s. Charge 3(c);
 - t. Charge 3(d);
 - u. Charge 4(a);
 - v. Charge 4(b);
 - w. Charge 4(c);
 - x. Charge 4(d);
 - y. Charge 4(e);
 - z. Charge 4(f);
 - aa. Charge 4(g);
 - bb. Charge 4(h);
 - cc. Charge 4(i);
 - dd. Charge 4(j);
 - ee. Charge 4(k);
 - ff. Charge 5(a);
 - gg. Charge 5(b);
 - hh. Charge 5(c);
 - ii. Charge 6;
 - jj. Charge 7(a);
 - kk. Charge 7(b);
 - ll. Charge 7(c);
 - mm. Charge 7(d).
10. Your conduct in respect of the following charges was sexually motivated:
- a. Charge 1(a);
 - b. Charge 1(b);
 - c. Charge 1(c);
 - d. Charge 1(d);
 - e. Charge 1(e);
 - f. Charge 1(f);

- g. Charge 1(g);
- h. Charge 1(h);
- i. Charge 2(a);
- j. Charge 2(b);
- k. Charge 2(c);
- l. Charge 2(d);
- m. Charge 2(e);
- n. Charge 2(f);
- o. Charge 2(g);
- p. Charge 2(h)(i) and/or Charge 2(h)(ii);
- q. Charge 3(a);
- r. Charge 3(b);
- s. Charge 3(c);
- t. Charge 3(d);
- u. Charge 4(a);
- v. Charge 4(b);
- w. Charge 4(c);
- x. Charge 4(d);
- y. Charge 4(e);
- z. Charge 4(f);
- aa. Charge 4(g);
- bb. Charge 4(h);
- cc. Charge 4(i);
- dd. Charge 4(j);
- ee. Charge 4(k);
- ff. Charge 5(a);
- gg. Charge 5(b);
- hh. Charge 5(c);
- ii. Charge 6;
- jj. Charge 7(a);
- kk. Charge 7(b);

- ll. Charge 7(c);
- mm. Charge 7(d).

AND that by reason of the matters alleged above your fitness to practise is impaired by reason of misconduct.”

On 27 June 2022 the Chair made announced a determination on an application to postpone the hearings as follows:

“Mr Blackman

This is a hearing of the Professional Conduct Committee (PCC). You are present and are represented by Mr Paul Rogers of Counsel, instructed by Kennedys solicitors. Ms Ini Udom of Counsel, instructed by the GDC’s In-House Legal Presentation Service, appears for the GDC.

The hearing is being held remotely using Microsoft Teams in line with the GDC’s current practice.

Preliminary matters

At the outset of the hearing Mr Rogers on your behalf made an application for the Committee to postpone the hearing. The application was made in accordance with Rule 58 of the General Dental Council (Fitness to Practise) Rules 2006 (‘the Rules’).

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IN PUBLIC

Mr Rogers submitted that the heads of charge that you face are serious, and that in the current circumstances you cannot have a fair hearing to answer these serious allegations. Mr Rogers invited the Committee to postpone the hearing by around three to six months so that you can fully engage with these proceedings. Mr Rogers submitted that adjustments such as regular breaks would not resolve the difficulties that you face in participating in this hearing, and that the prevailing circumstances mean that, regrettably, you cannot properly participate.

Ms Udom opposed the application to postpone the hearing. Ms Udom submitted that the dates for the hearing were set down as long ago as September 2021 and that, accordingly, you have known for some time that the hearing will be taking place. Ms Udom submitted that this Committee is able to put in place appropriate measures to facilitate your attendance, for instance to deal with any distractions that might occur, and that you are ably represented by experienced Counsel. Ms Udom submitted that the hearing should proceed, as the potential impediments to your full participation are not unexpected and can be successfully mitigated.

The Committee accepted the advice of the Legal Adviser.

In considering this application the Committee had particular regard to the considerations set out at Rule 58 (4) of the Rules, namely the public interest in the expeditious consideration of the case, the potential inconvenience caused to a party of any witness, and fairness to you.

The Committee has determined not to accede to the application to postpone the hearing in accordance with Rule 58 of the Rules. The Committee has borne in mind its powers to manage the case so as to ensure fairness, and considers that the hearing is capable of proceeding in a manner that does not cause unfairness to you. The Committee is amenable to making appropriate adjustments to facilitate your proper participation, and for instance would be content to take breaks at short notice. The Committee considers that you have had adequate time and opportunity to prepare for this hearing, including by instructing lawyers to represent you, and to make appropriate arrangements to participate. The Committee has had regard to the expeditious consideration of the case, as well as to the likely inconvenience and potential distress that may be caused to the witnesses who are attending to give evidence about sensitive matters.

For these reasons, the Committee has determined to refuse the application to postpone the hearing.”

On 28 June 2022 the Chair announced a determination on special measures:

“Mr Blackman

Following the Committee’s announcement and handing down of its decision to refuse the application of Mr Rogers on your behalf for the hearing to be postponed, Ms Udom made an application for the Committee to treat five witnesses, who are referred to for the purposes of these proceedings as Persons 1 to 5, to be treated as vulnerable. Ms Udom also invited the Committee to adopt special measures in relation to the hearing of evidence of two of the GDC’s witnesses in this case, who are referred to as Person 1 and Person 5. The application was made in accordance with Rule 56 of the General Dental Council (Fitness to Practise) Rules 2006 (‘the Rules’).

Ms Udom submitted that the quality of the evidence of Person 1 and Person 5 would be affected if special measures were not adopted. Ms Udom specifically applied for you to turn off your webcam for the duration of the evidence of Person 1 and Person 5 to facilitate the giving of their evidence. Mr Rogers on your behalf did not oppose the application.

The Committee accepted the advice of the Legal Adviser. The Committee took account of the submissions of Ms Udom and Mr Rogers, including the information as to the reasons why some of the witnesses would feel uncomfortable if they were able to see you during their evidence. Having given the matter careful consideration the Committee decided that it would be fair and appropriate to accede to the application for Persons 1 to 5 to be treated as vulnerable witnesses under Rule 56 (1) (e). It also decided to adopt the measures asked in relation to the evidence of Person 1 and Person 5.”

On 15 September 2022 the Chairman announced the finding of facts as follows:

“Mr Blackman

This is a hearing of the Professional Conduct Committee (PCC). You are present and are represented by Mr Paul Rogers of Counsel, instructed by Kennedys solicitors. Ms Ini Udom of Counsel, instructed by the GDC’s In-House Legal Presentation Service, appears for the GDC.

The hearing is being held remotely using Microsoft Teams in line with the GDC’s current practice.

Preliminary matters

The Committee’s decisions on the application to postpone the hearing and the application for special measures are set out in separate determinations dated 27 and 28 June 2022 respectively.

At the start of 28 June 2022 Ms Udom applied to amend head of charge 7 (c) in accordance with Rule 18 of the General Dental Council (Fitness to Practise) Rules 2006 (‘the Rules’). Ms Udom applied to correct a typographical error. Mr Rogers on your behalf made no objection to the application. Having accepted the advice of the Legal Adviser, the Committee determined to accede to the application. The schedule of charge was duly amended. On 5 July 2022, at the conclusion of her closing submissions on the facts, Ms Udom further applied to amend the schedule of charge at heads of charge 3 (c), 6 and 7 (c). Mr Rogers made no objection to the application. Having accepted the advice of the Legal Adviser, the Committee determined to accede to the application. The schedule of charge was duly amended. In relation to both applications the Committee was satisfied that the amendments were appropriate and that they could be made without injustice.

Background to the case and summary of allegations

The allegations giving rise to this hearing relate to your conduct towards five colleagues, each of whom worked alongside you as members of the dental team, at your practice in the overall period of August 2014 to August 2020. These five colleagues are referred to as Persons 1 to 5 for the purposes of these proceedings. As of 2019 you were the practice principal at the practice, having previously worked at the practice in the capacity of a self-employed associate dentist. It is alleged that you made a number of comments and sent communications to, and behaved in certain ways towards, these five colleagues. The GDC contends that such alleged conduct was unprofessional, harassing and sexually motivated.

Evidence

The Committee has been provided with documentary material in relation to the heads of charge that you face, including the witness statements and documentary exhibits of: five dental care professional (DCP) colleagues, who as set out above are referred to for the purposes of these proceedings as Person 1 to Person 5; the then practice manager of the

practice, who is referred to as Witness A; four other colleagues at the practice, who are referred to as Witness B, Witness C, Witness D and Witness E; and you.

The Committee heard oral evidence from Person 3, Witness A, Person 1, Person 2, Person 5, Person 4, Witness B, Witness C, Witness E, Witness D, and you.

Committee's findings of fact

The Committee has taken into account all the evidence presented to it. It has considered the submissions made by Ms Udom on behalf of the GDC and those made by Mr Rogers on your behalf.

The Committee has accepted the advice of the Legal Adviser. The Committee is mindful that the burden of proof lies with the GDC, and has considered the heads of charge against the civil standard of proof, that is to say, the balance of probabilities. The Committee bore in mind that the seriousness of what is alleged may mean that the evidence should be examined more critically before the Committee concludes that the matter has indeed been established on the balance of probabilities. The Committee has considered each head of charge separately, although some of its findings will be announced together.

I will now announce the Committee's findings in relation to each head of charge:

Person 1	
1.	<i>Between 01 November 2019 and 18 August 2020, you</i>
1. a.	<i>Texted Person 1, whilst staying in a hotel, "Lol if I get up I'll bring you one. What's it worth lol" implying food would be brought in exchange for sex.</i>
	Not proved
	<p>The Committee finds the facts alleged at head of charge 1 (a) not proved.</p> <p>In relation to this head of charge, and in relation to heads of charge 1 (b) to 1 (h), the Committee considered that Person 1 gave credible evidence, and she remained consistent in her account when questioned. The Committee found that it was able to rely on her evidence.</p> <p>The Committee notes that the incident relates to the morning after a work Christmas party. The Committee has heard that both you and Person 1 stayed over in separate rooms within the same hotel following that evening. The Committee accepts the documentary evidence of Person 1 that the text message in question was sent.</p> <p>The Committee then considered whether your message implied that you would bring food in exchange for sex. The Committee does not consider that your message, even though perceived as such by Person 1, carried that implication. The Committee considers that the phrase that you used, 'what's it worth', is in common use and does not necessarily carry a sexual</p>

	<p>implication.</p> <p>The Committee therefore finds the facts alleged at head of charge 1 (a) not proved.</p>
1. b.	<p><i>Said to Person 1, in the Green Room, “While you’re down there”, or words to that effect, when she was knelt on the floor to retrieve an item from a cupboard, suggesting she engage in a sexual act;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 1 (b) proved.</p> <p>The GDC’s case relies on the evidence of Person 1. Person 1 was clear and detailed in her evidence to the Committee. In your evidence you stated that you might have made the comment in relation to obtaining further equipment, although at other times you stated that you did not make the comment or did not recall the specific incident. The Committee prefers the evidence of Person 1 in this regard, as her account is specific, whereas your evidence was not as clear on the details of the incident. The Committee also accepts Person 1’s evidence that your comment was sexually suggestive. The Committee noted that the words, ‘while you’re down there’ are incomplete and not followed by a reference to, for instance, retrieving an item of equipment. Person 1’s head was also at the level of your groin area. The Committee prefers this interpretation over your explanation that, if said, it was in reference to retrieving equipment. The Committee considers that Person 1’s interpretation of the comment as being lewd and as having sexual undertones is more plausible.</p> <p>Accordingly, the Committee finds the facts alleged at head of charge 1 (b) proved.</p>
1. c.	<p><i>Pushed a chair that Person 1 was sat in, in the Green Room, and stated you “liked to hear her heavy breathing”, or words to that effect;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 1 (c) proved.</p> <p>The Committee notes the evidence of Person 1 in support of this head of charge. Person 1’s evidence was consistent, clear and detailed, and she was adamant that the comment alleged to have been made was in fact made. In your evidence you stated that on occasion you pushed the chair that Person 1 was sitting in against the desk, due to the small size of the surgery and the lack of room for you to pass by. You denied that you made the comment in question. The Committee accepts the evidence of Person 1 as being more credible about the incident in question.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 1 (c)</p>

	proved.
1. d.	<p><i>Asked Person 1, in the Green Room, how much she would charge to be your escort, or words to that effect;</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 1 (d) not proved.</p> <p>The Committee heard from Person 1. Person 1 gave evidence that you asked her how much she would charge to be your escort. This comment was alleged to have been made in the context of a wider conversation about escorts. Witness E's evidence is that he witnessed this exchange, but this is disputed by Person 1. The Committee is therefore not able to resolve whether Person 1's account and Witness E's account relate to the same incident, or whether there was more than one incident. The Committee heard from Person 1 that you asked her how much she would charge to be an escort, whereas in her written evidence Person 1 stated that you asked how much she would charge to be <i>your</i> escort (emphasis added).</p> <p>The Committee considers that the GDC has not adduced sufficient evidence to demonstrate that you asked Person 1 how much she would charge to be your escort. The Committee therefore finds the facts alleged at head of charge 1 (d) not proved.</p>
1. e.	<p><i>Asked Person 1 to keep her head up whilst she was bending down, or words to that effect, implying that you wanted to look at her breasts, in the Green Room;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 1 (e) proved.</p> <p>The Committee notes the written and oral evidence of Person 1 in this regard, and notes that you dispute the allegation. Person 1 gave detailed evidence about the incident, and the Committee finds that her evidence is credible. Your evidence is that you cannot recall the incident in question. You gave no explanation as to why you would have asked Person 1 to keep her head up, other than to state that you would not have implied that you wanted to look at Person 1's breasts. The Committee accepts the evidence of Person 1 that she put her hand across her breasts and zipped up her uniform, and considers that this demonstrates that she understood that your comment implied that you wanted to look at her breasts.</p> <p>The Committee therefore finds the facts alleged at head of charge 1 (e) proved.</p>
1. f.	<p><i>Pulled Person 1's hair, whilst she was working on a computer in the Green Room, and said "do you like it when I pull your hair. It reminds me of Fifty</i></p>

	<p><i>Shades of Grey” or words to that effect;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 1 (f) proved.</p> <p>The Committee heard from Person 1 in support of this allegation. Her oral and written evidence was consistent and detailed, to the point of her stating that her hair was in plaits, that you pulled both plaits, and that she was making notes at the time. Your evidence is that you did not pull Person 1’s hair and, whilst being aware of the book and film of <i>Fifty Shades of Grey</i>, you were not familiar with its contents.</p> <p>The Committee finds the evidence of Person 1 to be specific, credible and reliable. It considers that this evidence is sufficient for the Committee to find the alleged facts proved. The Committee considers that you not having read or seen <i>Fifty Shades of Grey</i> is not an impediment to being generally aware of its nature and making a comment which refers to it. The Committee prefers the evidence of Person 1 over the evidence that you have provided, in particular as Person 1 was very clear and specific about how her hair was pulled and with what force.</p> <p>The Committee therefore finds the facts alleged at head of charge 1 (f) proved.</p>
1. g.	<p><i>Asked Person 1, in the Green Room, how quickly she could take off her bra and said that if she could do it under 10 seconds you would pay her, or words to that effect.</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 1 (g) proved.</p> <p>The Committee notes the written and oral evidence of Person 1 in support of this head of charge. Your evidence is that you did not make the comment in question, although there was general chat about the removal of bras in which you did not participate. You did state under further questioning that you may have been party to a conversation about the removal of bras, but that you did not state that you would pay Person 1 if she could remove her bra, be it in under 10 seconds or otherwise. The Committee accepts the evidence of Person 1 as being clear, credible and reliable, and being something that she would be likely to remember.</p> <p>The Committee therefore finds the facts alleged at head of charge 1 (g) proved.</p>
1. h.	<p><i>Said to Person 1 you “were impressed she didn’t gag” when you took an X-ray of her wisdom teeth and that you would like to try her gag reflex out, or words to that effect.</i></p>

	Proved
	<p>The Committee finds the facts alleged at head of charge 1 (h) proved.</p> <p>The Committee notes that in her evidence Person 1 was detailed, clear, consistent and specific about you making the comments in question. The Committee again considers that the unusual nature of these comments meant that Person 1 was likely to have remembered them. Your written evidence was that you did not state that you would like to try her gag reflex out, and in your oral evidence you added that you may have said that you were impressed with her lack of a gag reflex, but that the comment was not sexual in nature or intent.</p> <p>The Committee accepts the evidence of Person 1 in this regard as being cogent and credible. The Committee therefore finds the facts alleged at head of charge 1 (h) proved.</p>
Person 2	
2.	<i>Between 01 July 2018 and 18 August 2020, you:</i>
2. a.	<i>Asked Person 2 if she used sex toys, or words to that effect;</i>
	Proved
	<p>The Committee finds the facts alleged at head of charge 2 (a) proved.</p> <p>In relation to this head of charge, and in relation to heads of charge 2 (b) to 2 (h), the Committee considered that Person 2 gave credible evidence, and that she was generally consistent in her evidence. The Committee found that it was able to rely on her evidence.</p> <p>The Committee noted the detailed evidence of Person 2 in support of the allegation that you asked her if she used sex toys, or words to that effect. Person 2 also stated that she discussed what had happened with the practice manager, as well as with her mother. Person 2 was adamant when questioned that you had made the alleged comment. Your evidence is that you did not make the comment in question, and that Person 2 was lying by suggesting otherwise. You accept that Person 3 was present at the time, as Person 2 was working under the supervision of Person 3. In the Committee's judgment this adds credibility to the allegation, as Person 3 corroborates Person 2's allegation of you having made the comment in question.</p> <p>The Committee prefers the evidence of Person 2 to your evidence. Her evidence was consistent and categorical, and in the Committee's judgment can be relied upon. The Committee considers that Person 2 was more likely than not to have remembered what was said to her, given the nature of what you asked. Her evidence was supported by Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 2 (a)</p>

	proved.
2. b.	<p><i>Took photos of Person 2 and stated “beautiful, that’s so sexy”, or words to that effect;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 2 (b) proved.</p> <p>The Committee has had regard to a video recording that Person 2 made using her smartphone which demonstrates that you took a photograph, or photographs, of her and made the comment set out above. In your evidence you did not deny that you had acted in this manner.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 2 (b) proved.</p>
2. c.	<p><i>Made a comment to Person 2 about “playing with balls” which was a reference to genitalia;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 2 (c) proved.</p> <p>The Committee has heard evidence from you that there was a number of table tennis balls present at the practice at the time. You stated that another member of staff said, ‘stop playing with Lloyd’s balls’, and that you ‘ran with it’. You apologised for conducting yourself in such a manner. The Committee accepts the evidence of Person 2 that a comment was said to her, and that another person said to you that you could not make the comment given Person 2’s young age. Person 2’s evidence is that she is not able to recall the precise words that were used, but the Committee finds when taking all the evidence into consideration that you made the comment in question.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 2 (c) proved.</p>
2. d.	<p><i>Asked Person 2 to show you photographs from Person 2’s Snapchat in exchange for you providing Person 2 with tooth whitening;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 2 (d) proved.</p> <p>The Committee has had regard to a video recording that Person 2 made on her smartphone which demonstrates that you asked Person 2 to show you photographs from her Snapchat social media account. Although you stated in the recording that Person 2 was too young to receive teeth whitening treatment, the recording elsewhere records you making a link between viewing Person 2’s Snapchat and providing teeth whitening to her. The Committee considers that the evidence presented to it demonstrates that</p>

	<p>you did indeed ask Person 2 to show you the photographs in exchange for teeth whitening treatment.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 2 (d) proved.</p>
2. e.	<p><i>Said to Person 2 “oh I like small girls, easier to put their leg on my shoulder”, referring to sexual positions, or words to that effect;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 2 (e) proved.</p> <p>The Committee has had regard to the evidence of Person 2. Person 2 states that the comment was made in the presence of her and another person in the hotel reception area at the time of a Christmas party, and as she considers herself to be small she considered that you made the comment to and about her. Person 2 considered that the comment referred to sexual activity. In your evidence to the Committee you stated that you have no specific recollection of making the comment, but that if said it would not have been directed at Person 2 and would not have been intended to cause offence.</p> <p>The Committee accepts the evidence of Person 2. Whilst there might have been another individual present, the Committee finds that Person 2 was one of the people to whom the comment was made.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 2 (e) proved.</p>
2. f	<p><i>Requested that Person 2 walk in front on you and said “you go first” and/or “after you” and/or “well I have got all day”, or words to that effect, implying that you wanted to observe her from behind, on more than one occasion;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 2 (f) proved.</p> <p>The Committee has heard that there is no dispute that on a number of occasions there was often a degree of horseplay on the stairs at the practice, whereby an exaggerated show of chivalry and politeness was manifest in you insisting that Person 2 go ahead of you whilst ascending the stairs. The evidence of Person 2 is that she interpreted this undisputed conduct as you wanting to observe her from behind, and more particularly to observe her posterior. Person 2 referred to a video recording that she made of you waiting for her to pass you on the stairs. When you saw that she was starting to record you, you proceeded to climb the stairs. Person 2 concluded that you knew that what you were doing was inappropriate, and more particularly was done so that you could observe her posterior. Person 2 also states that you only acted in this way when no-one else was present,</p>

	<p>which further suggested to her that you were intending to observe her from behind. You denied that this was your intention, and that the conduct was part of a longstanding joke between you and Person 2.</p> <p>The Committee prefers the evidence of Person 2, and considers that her interpretation of your intention in allowing her to pass you on the stairs was correct. The video recording shows you standing on the stairs with your arms folded, waiting for Person 2 to move first, and then passing up the stairs when you saw that she was recording you. The Committee accepts Person 2's account that she felt uncomfortable with your conduct. The Committee notes the evidence that you only acted in such a way when no-one else was around, and that when being recorded on one occasion you stopped what you were doing. It infers from this that you recognised that what you were doing was not appropriate, and more particularly was intended to view Person 2 from behind.</p> <p>Accordingly, the Committee finds the facts alleged at head of charge 2 (f) proved.</p>
2. g	<p><i>Deliberately blocked the path of Person 2, creating unnecessary physical contact and/or proximity, on more than one occasion;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 2 (g) proved.</p> <p>The Committee notes that you accept that on occasion you blocked the path of Person 2. Person 2's evidence is that you did so on a number of occasions in a number of settings at the practice. Patient 2 stated that she would have to push past you to get past you. You stated that your conduct was reciprocated and was intended as a joke.</p> <p>In light of this evidence the Committee finds the facts alleged at head of charge 2 (g) proved.</p>
2. h	<p><i>Said to Person 2, whilst providing dental treatment to her, words to the effect of:</i></p>
2. h. i.	<p><i>"you like that do you" whilst your finger was in Person 2's mouth;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 2 (h) (i) proved.</p> <p>The Committee notes the evidence of Person 2 in support of this allegation, namely that you said to her, 'you like that do you', whilst your finger was in her mouth. You stated that the comment is not the sort of comment that you would have made.</p> <p>The Committee accepts the evidence of Person 2 as being credible and reliable. In light of this evidence the Committee finds the facts alleged at</p>

	head of charge 2 (h) (i) proved.
2. h. ii.	<p><i>“oh sexy” whilst Person 2 rinsed her mouth.</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 2 (h) (ii) proved.</p> <p>The Committee notes the evidence of Person 2 in support of this allegation, namely that you said to her, ‘oh sexy, whilst Person 2 rinsed her mouth. You stated that you may have made the comment, but that you would have meant it in an ironic manner.</p> <p>The Committee accepts the evidence of Person 2 as being credible and reliable. In light of this evidence the Committee finds the facts alleged at head of charge 2 (h) (ii) proved.</p>
Person 3	
3.	<i>On one occasion in 2016, you:</i>
3. a.	<p><i>Asked Person 3, in the Green Room, if she had ever had an orgasm, or words to that effect;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 3 (a) proved.</p> <p>In relation to this head of charge, and in relation to heads of charge 3 (b) to 3 (d) and 4 (a) to 4 (k), the Committee considered that Person 3 was open when giving evidence, and although it found some inconsistencies in parts of her evidence, and particularly those relating to more recent events, it found her evidence to be credible on the whole. Person 3 was candid in relation to her participation in discussion of a sexual nature with other members of staff.</p> <p>In relation to head of charge 3 (a) the Committee notes the evidence of Person 3 that whilst in your surgery you asked her if she had ever had an orgasm. Person 3 was consistent and adamant in her account, both at the time, since the time, and in evidence to the Committee. The Committee heard from you that you denied that you had made the comment in question, and that you relied in part on your account that it is inherently unlikely that you made the comment as Person 3 was always under supervision in her role. However the Committee has received evidence that Person 3’s supervision period was short and she quickly attained a position of trust. The Committee also notes that supervision would not have been required at that precise moment, as a patient was not in the surgery. The Committee finds that it prefers and is able to rely on Person 3’s evidence, and considers that the comment is something that she would be likely to remember, particularly as she was aged 16 at the time and would have been likely to have been</p>

	<p>taken by surprise by such a specific sexual comment. The Committee considers that Person 3 is therefore unlikely to be mistaken, and the Committee does not consider that she had a motive to lie.</p> <p>The Committee therefore finds the facts alleged at head of charge 3 (a) proved.</p>
3. b.	<p><i>Offered to show Person 3 what an orgasm felt like, in the Green Room, or words to that effect;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 3 (b) proved.</p> <p>The evidence of Person 3 is that, as part of the conversation referred to at head of charge 3 (a) above, you offered to show Person 3 what an orgasm felt like, having asked her if she knew what an orgasm was. The Committee heard from you that you denied that you had made the offer in question, and that you relied in part on your account that it is inherently unlikely that you made the offer as Person 3 was always under supervision in her role. However, as set out above, the Committee has received evidence that Person 3's supervision period was short and she quickly attained a position of trust. The Committee also notes that supervision would not have been required at that precise moment, as a patient was not in the surgery. The Committee again notes that Person 3 was consistent and adamant in her account, both at the time, since the time, and in evidence to the Committee. The Committee again finds that it prefers and is able to rely on Person 3's evidence, and considers that the comment is something that she would be likely to remember, particularly as she was aged 16 at the time and would have been likely to have been taken by surprise by such a specific sexual comment. The Committee again considers that Person 3 is therefore unlikely to be mistaken, and the Committee does not consider that she had a motive to lie.</p> <p>The Committee therefore finds the facts alleged at head of charge 3 (b) proved.</p>
3. c.	<p><i>Said to Person 3 "go on give it a go. No one will know", in reference to showing Person 3 what an orgasm felt like, in the Green Room, or words to that effect;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 3 (c) proved.</p> <p>The evidence of Person 3 is that, as part of the conversation referred to at heads of charge 3 (a) and 3 (b) above, you said to Person 3, 'go on give it a go. No one will know', or words to that effect, in reference to showing Person 3 what an orgasm felt like. The Committee heard from you that you denied</p>

	<p>that you had made the comment in question, and that you relied in part on your account that it is inherently unlikely that you made the comment as Person 3 was always under supervision in her role. However, as set out above, the Committee has received evidence that Person 3's supervision period was short and she quickly attained a position of trust. The Committee also notes that supervision would not have been required at that precise moment, as a patient was not in the surgery. The Committee again notes that Person 3 was consistent and adamant in her account, both at the time, since the time, and in evidence to the Committee. The Committee again finds that it prefers and is able to rely on Person 3's evidence, and considers that the comment is something that she would be likely to remember, particularly as she was aged 16 at the time and would have been likely to have been taken by surprise by such a specific sexual comment. The Committee again considers that Person 3 is therefore unlikely to be mistaken, and the Committee does not consider that she had a motive to lie.</p> <p>The Committee therefore finds the facts alleged at head of charge 3 (c) proved.</p>
3. d.	<p><i>Touched the area of Person 3's clitoris without her consent, in the Green Room.</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 3 (d) proved.</p> <p>The Committee has heard the evidence of Person 3 in relation to this head of charge. It has heard that the incident is said to have taken place as part of the exchange referred to at heads of charge 3 (a), 3 (b) and 3 (c) above.</p> <p>The Committee finds that it is able to rely on Person 3's account. Her evidence was credible and detailed. The Committee noted that there was some inconsistency as to whether you used your hand, or hands, when reaching inside her trousers, for which apparent inconsistency Person 3 apologised, finally stating that only one hand was used. The Committee considers that any inconsistencies with this particular detail do not undermine or subtract any meaningful credibility from Person 3's account. The Committee has heard that you deny that you acted in this manner, and you again relied in part on your account that Person 3 was always under supervision in her role. However, as referred to above, the Committee has received evidence that Person 3's supervision period was short and she quickly attained a position of trust, and it also heard in evidence from Person 3 that there were staffing issues at the time. The Committee also notes that supervision would not have been required at that precise moment, as a patient was not in the surgery.</p> <p>Therefore the Committee finds the facts alleged at head of charge 3 (d)</p>

	proved.
4.	<i>Between 01 January 2016 and 18 August 2020, you:</i>
4. a.	<p><i>Asked Person 3 to “stay there” and commented that you had a good view, or words to that effect, more than once when she was getting something from a drawer, in the Surgery Room implying that you wanted to look at her breasts and posterior;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (a) proved.</p> <p>The Committee has had regard to the evidence of Person 3 in support of this allegation. The Committee considers that her evidence was detailed and consistent, including evidence that she covered up her affected areas and changed her standing posture. The Committee heard first from you that you denied having acted in the manner alleged. The Committee then heard that you cannot recall the incident but could not rule out the possibility of you having made the comments in question and, if said, then you would not have made the comment in an inappropriate manner. The Committee found that it was able to rely on the evidence of Person 3 as being consistent and credible, and it did not accept your evidence.</p> <p>The Committee therefore finds the facts alleged at head of charge 4 (a) proved.</p>
4. b.	<p><i>Asked Person 3 if she had ever used a dildo, in the Green Room;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (b) proved.</p> <p>The Committee has taken account of the evidence of Person 2 in support of this head of charge. The Committee found that Person 3 was consistent in her account, although she conceded that the incident might have occurred in 2017 rather than in 2018. Person 3’s evidence is that you made the comment <i>apropos</i> of nothing. Your evidence is that you did not make the comment to Person 3, but you also stated that you may have participated in conversations of such content without initiating them. The Committee found that it was able to rely on the evidence of Person 3 as being consistent and credible.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 4 (b) proved.</p>
4. c.	<p><i>Offered Person 3 a pay rise in return for oral sex, in the Green Room;</i></p> <p>Proved</p>
	The Committee finds the facts alleged at head of charge 4 (c) proved.

	<p>In your evidence to the Committee you conceded that you made the alleged comment, but that you did so as part of a running joke. The Committee has had regard to the evidence of Person 3 in respect of this head of charge, namely that you proposed to provide Person 3 with a pay rise in exchange for ‘a blow job’, meaning oral sex performed on you. Although you stated that you were not in a position to provide a pay rise, you were however in a position to influence such a decision and, in any event, you not being able to follow through on an offer does not in the Committee’s judgment make it less likely that the offer was made.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 4 (c) proved.</p>
4. d.	<p><i>Asked Person 3 if she wanted to get a hotel with you on a Team Building trip;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (d) proved.</p> <p>Person 3’s account is that you made the alleged offer in response to her disclosing to you that she had had sexual intercourse twice that day, with you in reply suggesting that you get a hotel room. Person 3’s evidence is that she refused your offer, and that you then said, ‘no-one will know’. Your evidence is that you were not suggesting that Person 3 occupy the hotel room with you. You stated that, as a joke, you raised the prospect of her taking a hotel room in the event that Person 3 wished to have sexual intercourse on a third occasion. You did not say, and were not implying, that she have sexual intercourse with you specifically. In your later oral evidence you did say, however, that you were not able to recall precisely what was said.</p> <p>The Committee finds that it is able to rely on Person 3’s account of you specifically suggesting that you and she get a hotel room. Person 3 was clear and consistent in her evidence on this point, and it notes that towards the end of your evidence you were not able to rule out the possibility that this was said.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 4 (d) proved.</p>
4. e.	<p><i>Asked to Person 3 if she wanted to do anything with you, referring to a sexual relationship, on more than one occasion;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (e) proved.</p> <p>Your evidence to the Committee is that the allegation should be placed in the context of you and Person 3 being friends, and that you often made joke</p>

	<p>references to ‘running away’ with individuals at the practice which you did not intend to be taken seriously. Person 3 stated that the offer of sexual activity was made by you on a weekly basis on the basis of your disclosure to her that you were not having sexual relations at home. Person 3’s evidence was consistent and in the Committee’s judgment can be relied upon. The Committee considers that asking Person 3 if she wanted to do anything with you was a reference to a sexual relationship, particularly in light of your admission that you would also suggest to colleagues, including Person 3, that they run away with you. This particular comment is the subject of consideration at head of charge 4 (j) below.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 4 (e) proved.</p>
4. f.	<p><i>Said to Person 3 that you would give her “a proper milkshake”, referring to ejaculation, on more than one occasion;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (f) proved.</p> <p>Your evidence to the Committee is that Person 3 used the phrase, ‘a proper milkshake’, repeatedly whilst at work. Person 3 accepted in evidence that she had done so, and that it was openly discussed in such terms away from patients. You stated that you may have engaged in such conversations, but that you would not have brought the subject up and that you would not have made the alleged comment to Person 3 directly. The Committee accepts the evidence of Person 3 that you made the specific comment on a number of occasions, and that you did so alongside an associated lewd hand and mouth gesture. The Committee finds that it is able to rely on Person 3’s evidence as being consistent and credible.</p> <p>In light of this evidence the Committee finds the facts alleged at head of charge 4 (f) proved.</p>
4. g.	<p><i>Asked Person 3, in reference to a banana, “how much of that can you get down your throat?”, or words to that effect, in the Staff Room;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (g) proved.</p> <p>The Committee has had regard to the evidence of Person 3 in respect of this head of charge. Person 3’s evidence is that you said to her, ‘how much of that can you get down your throat?’, or words to that effect, whilst she was eating a banana. Person 3 interpreted this remark as an analogy to a male penis. Your evidence to the Committee is that you did not make the comment that you are alleged to have made, and that members of staff including Person 3 openly discussed matters such as performing oral sex.</p>

	<p>You denied that you would have initiated such conversations, but that if you had made the comment it would have been in the context of a joke. The Committee finds that it is able to rely on the evidence of Person 3 as being consistent and credible.</p> <p>The Committee therefore finds the facts alleged at head of charge 4 (g) proved.</p>
4. h.	<p><i>Looked through a window into the Manager's Office where you knew Person 3 was getting undressed;</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (h) not proved.</p> <p>The Committee has heard that the manager's office would on occasion be used as a changing room, with the member of staff alerting others so that no-one walked in during the process of changing. Person 3's evidence is that she announced to the members of staff present in the staff room that she would be changing in the manager's office. Person 3 stated that you were amongst those members of staff who were present in the staff room at the relevant time. Person 3's evidence is that you looked through the window of the manager's office whilst she was changing.</p> <p>Your evidence is that you did not hear any such prior warning from Person 3. You stated that you spent some minutes trying to locate the practice manager. You realised that Person 3 was changing when you looked through the frosted glass of the window of the manager's office.</p> <p>The Committee is not satisfied that the GDC has demonstrated to the standard required that you heard the warning that Person 3 gave in the staff room. It accepts as credible your account that you did not hear the warning, and that you had a valid reason for being at the window of the manager's office.</p> <p>In light of this the Committee finds the facts alleged at head of charge 4 (h) not proved.</p>
4. i.	<p><i>Deliberately stood in Person 3's way and/ or brushed past her as she walked up stairs and/or in corridors, creating unnecessary physical contact and / or proximity, on more than one occasion;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (i) proved.</p> <p>The Committee has heard that you concede that you acted in the manners alleged, and that you did so as part of a running joke. Person 3's evidence is detailed and consistent on this point, namely that you would routinely stand in her way and brush past her, causing her to feel uncomfortable about the</p>

	<p>bodily contact that arose. The Committee found that it was able to rely on Person 3's evidence.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 4 (i) proved.</p>
4. j.	<p><i>Asked Person 3 if she fancied running away with you, or words to that effect, on more than one occasion;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (j) proved.</p> <p>Your evidence to the Committee is that the allegation should be placed in the context of you and Person 3 being friends, and that you often made joke references to 'running away' with individuals at the practice which you did not intend to be taken seriously. Person 3's evidence is that you would often message her to ask if she wished to run away with you. Person 3's evidence was consistent and in the Committee's judgment can be relied upon.</p> <p>The Committee therefore finds the facts alleged at head of charge 4 (j) proved.</p>
4. k.	<p><i>Asked Person 3 if she would lift her trousers to see a "camel toe", or words to that effect, in the Green Room.</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 4 (k) proved.</p> <p>Person 3's evidence is that you made the alleged comment to her when the two of you were alone in the surgery. Your evidence is that the phrase, 'camel toe', was often used by Person 3 at work, particularly after more tightly fitting uniform trousers came into use. You denied that you asked Person 3 to lift her trousers to see her 'camel toe'.</p> <p>The Committee accepts Person 3's evidence as credible, consistent, detailed and reliable. The Committee again finds that the nature of the suggestion that you made, alluding as it does to female labia, was likely to have been remembered by Person 3, notwithstanding that it was a phrase that she apparently often used.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 4 (k) proved.</p>
Person 4	
5.	<p><i>Between 01 November 2018 and 26 August 2020, you:</i></p>
5. a.	<p><i>Texted Person 4 that you weren't going to be with your wife for much longer and if she wanted to have some fun to let you know;</i></p>

	<p>Proved</p> <p>The Committee finds the facts alleged at head of charge 5 (a) proved.</p> <p>The Committee generally found Person 4 to be credible in her evidence. Person 4 was firm in the responses that she gave when questioned, and was consistent in her evidence.</p> <p>The Committee has had regard to the evidence of Person 4 that following a Christmas party you texted her to say that you weren't going to be with your wife for much longer and that if she wanted to have some fun she should let you know. Your account is that you denied that you had asked Person 4 for sexual activity or a romantic affair. You stated that you have sent text messages to Person 4, but not a message of the content alleged at this head of charge. You did however concede that you did engage in some flirtation with Person 4.</p> <p>Although the Committee has not been provided with a copy of this alleged text message as it had been deleted by Person 4, probably as part of the direction to staff that they desist from contact with you, the Committee accepts her evidence as credible and consistent, and it found that it was able to rely on her evidence in this regard. The Committee considers that it is likely that Person 4 would not be mistaken about receiving such a message from you. The Committee does not accept your suggestion that Person 4 had a motive to lie about her account, and is instead satisfied from the evidence presented to it that the facts are established.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 5 (a) proved.</p>
5. b.	<p><i>Texted Person 4 to say that an affair would not affect work but to let you know if it was something that she wanted after she declined your sexual advances;</i></p> <p>Proved</p> <p>The Committee finds the facts alleged at head of charge 5 (b) proved.</p> <p>The Committee has had regard to the evidence of Person 4 that, shortly after the text message referred to at head of charge 5 (a), she received a text message from you stating that an affair with you would not affect work, and to let you know if she was interested. The Committee again finds that it is able to rely on the evidence of Person 4 as credible and consistent. The Committee has heard that you have denied the allegation, but it considers that Person 4's account of something that she was likely to have remembered was reliable.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 5 (b) proved.</p>

5. c.	<p><i>Texted Person 4 “are you sure?” after she had declined your sexual advances.</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 5 (c) proved.</p> <p>The Committee has had regard to the evidence of Person 4 that, around a month after the text message referred to at preceding head of charge 5 (b), she received a further text message from you asking if she was sure, referring to her wishing to decline your advances. The Committee again finds that it is able to rely on the evidence of Person 4 as credible and consistent. The Committee has heard that you have denied the allegation, but it considers that Person 4’s account of something that she was likely to have remembered was reliable.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 5 (c) proved.</p>
Person 5	
6.	<p><i>On one occasion during 2020, in Surgery Room 5, you attempted to put your hand down Person 5’s top without her consent.</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 6 proved.</p> <p>The Committee found Person 5’s evidence to be helpful and open in relation to this head of charge, as well as heads of charge 7 (a), 7 (b), 7 (c) and 7 (d). The Committee found her to be a generally credible witness. She was open about her friendly relationship with you, and about her use of sexualised or crude language.</p> <p>In respect of head of charge 6, the Committee noted that Person 5’s initial account in interview with practice management was that you had twisted her nipple and had touched her breast whilst playing around with wet paper towels with you. In her GDC witness statement and in evidence to the Committee she instead stated that you had attempted to place your hand down her top. Person 5 stated that she had never suggested otherwise, and when taken to the notes of the practice management interview she apologised. In your evidence you stated that you had attempted to place your hand down the back, but not the front, of Person 5’s top as part of you playing with wet paper towels with Person 5.</p> <p>The Committee considers that the inconsistencies in the evidence of Person 5 mean that there is insufficient evidence to demonstrate that you attempted to place your hand down the front of Person 5’s top. The Committee notes that there is evidence that you attempted to place your hand down the back of Person 5’s top, and the Committee finds the facts alleged at this head of</p>

	<p>charge proved on this basis.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 6 proved.</p>
7.	<i>Between 01 August 2014 and 18 August 2020, you:</i>
7. a.	<p><i>Asked Person 5 to have an affair with you on more than one occasion;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 7 (a) proved.</p> <p>The Committee notes the evidence of Person 5 that you repeatedly asked her, by text message, to have an affair with you. Although the Committee has not been provided with copies of the alleged texts, the Committee has seen contemporaneous exchanges between Person 5 and her colleagues in which she said that she had received such messages from you. Your account is that you and Person 5 were good friends and colleagues, and that you disclosed your difficulties in your marriage as well as mutual bereavements. You stated that you did make comments about running away with Person 5, but that you did not mean to be taken seriously, or that you were asking to have an affair with her. The Committee finds that it is able to rely on Person 5's evidence in relation to head of charge 7 (a), notwithstanding its assessment of her evidence at head of charge 6.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 7 (a) proved.</p>
7. b.	<p><i>Offered Person 5 a pay rise in return for oral sex and/or other sexual acts on more than one occasion;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 7 (b) proved.</p> <p>In your evidence to the Committee you conceded that you made the alleged comment, but that you did so as part of a running joke, and that Person 5 openly made sexual innuendos. The Committee has had regard to the evidence of Person 5 in respect of this head of charge, namely that you repeatedly suggested to her that you provide her with a pay rise in exchange for 'a blow job', meaning oral sex performed on you, whenever Person 5 raised with you the prospect of a pay rise. Although you stated that you were not in a position to provide a pay rise, you were however in a position to influence such a decision and, in any event, your not being able to follow through on an offer does not in the Committee's judgment make it less likely that the offer was made.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 7 (b) proved.</p>

7. c.	<p><i>Texted Person 5 to say that you “would love to see you floating on that subbed (sic)”;</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 7 (c) proved.</p> <p>The Committee has been provided with a copy of the text message relating to this head of charge which demonstrates that you stated to Person 5, ‘would love to see you floating on that subbed’, which the Committee takes to be a misspelling of ‘sunbed’. You also accept that you sent the text message in question.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 7 (c) proved.</p>
7. d.	<p><i>Texted Person 5 to say that you wanted to “fist” her or words to that effect.</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 7 (d) proved.</p> <p>The Committee notes the evidence of Person 5 that she disclosed at work that she had been ‘fisted’ by her partner. Although the Committee has not been provided with copies of the text that you are alleged to have sent to her, the Committee has seen contemporaneous exchanges between Person 5 and her colleagues in which she said that she had received a message from you stating that you wished to fist her. You accepted that there had been some discussion between the two of you about fisting, but you denied that you had asked her if she wanted you to fist her. You stated that Person 5 would often fabricate matters, although you did not make an assertion to this effect in respect of this specific head of charge. The Committee found that it was able to rely on the evidence of Person 5, namely that you had asked her if she wanted to be fisted by you, as it found this evidence to be consistent and credible.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 7 (d) proved.</p>
General	
8.	<i>Your conduct in respect of the following charges was unprofessional;</i>
8. a.	<p><i>Charge 1(a);</i></p> <p>Not proved</p>
	<p>As the Committee has found the facts alleged at head of charge 1 (a) not proved, it follows that the facts alleged at head of charge 8 (a), predicated as they are on the facts alleged at head of charge 1 (a), are not proved.</p>

8. b.	<p><i>Charge 1(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (b) proved.</p> <p>The Committee has found above at head of charge 1 (b) that you stated to Person 1, 'while you're down there', or words to that effect, when she was knelt on the floor, suggesting she engage in a sexual act. Having found these facts the Committee considers that your conduct was unprofessional, as you failed to adhere to appropriate boundaries between colleagues.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (b) proved.</p>
8. c.	<p><i>Charge 1(c);</i></p> <p>Proved</p>
	<p>The Committee found at head of charge 1 (c) above that you pushed Person 1's chair and stated to her that you 'liked to hear her heavy breathing', or words to that effect. The Committee considers that your conduct was unprofessional, as you failed to adhere to appropriate professional boundaries between colleagues.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (c) proved.</p>
8. d.	<p><i>Charge 1(d);</i></p> <p>Not proved</p>
	<p>As the Committee has found the facts alleged at head of charge 1 (d) not proved, it follows that the facts alleged at head of charge 8 (d), predicated as they are on the facts alleged at head of charge 1 (d), are not proved.</p>
8. e.	<p><i>Charge 1(e);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (e) proved.</p> <p>The Committee found at head of charge 1 (e) that you asked Person 1 to keep her head up whilst she was bending down, or words to that effect, implying that you wanted to look at her breasts. The Committee finds that this conduct was unprofessional, as you again failed to adhere to appropriate professional boundaries between colleagues.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (e) proved.</p>
8. f.	<p><i>Charge 1(f);</i></p>

	Proved
	<p>The Committee finds the facts alleged at head of charge 8 (f) proved.</p> <p>The Committee has found above that you pulled Person 1's hair and said to her, '<i>do you like it when I pull your hair. It reminds me of Fifty Shades of Grey</i>' or words to that effect. The Committee again finds that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries between colleagues.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (f) proved.</p>
8. g.	<p><i>Charge 1(g);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (g) proved.</p> <p>The Committee has found above that you asked Person 1 how quickly she could take off her bra and that you said that if she could do it under 10 seconds you would pay her, or words to that effect. The Committee again finds that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries between colleagues.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (g) proved.</p>
8. h.	<p><i>Charge 1(h);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (h) proved.</p> <p>The Committee has found above that you said to Person 1 that you 'were impressed she didn't gag' when you took an x-ray of her wisdom teeth and that you would like to try her gag reflex out, or words to that effect. The Committee again finds that this conduct was unprofessional, as your comment that you would like to try out Person 1's gag reflex meant that you failed to adhere to appropriate professional boundaries between colleagues.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (h) proved.</p>
8. i.	<p><i>Charge 2(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (i) proved.</p> <p>The Committee has found above at head of charge 2 (a) that you asked Person 2 if she used sex toys, or words to that effect. The Committee considers that this conduct was unprofessional, as you failed to adhere to</p>

	<p>appropriate professional boundaries. The Committee considers that the comment was all the more inappropriate given that Person 2 was at that time 15 years of age and was on work experience.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 8 (i) proved.</p>
8. j.	<p><i>Charge 2(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (j) proved.</p> <p>The Committee has found above at head of charge 2 (b) that you took photographs of Person 2 and stated ‘beautiful, that’s so sexy’, or words to that effect. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries. The Committee again considers that the comment was all the more inappropriate, given that at this time Person 2 was aged 16 or 17 and was working as a trainee dental nurse.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 8 (j) proved.</p>
8. k.	<p><i>Charge 2(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (k) proved.</p> <p>The Committee has found above at head of charge 2 (c) that you made a comment to Person 2 about ‘playing with balls’ which was a reference to genitalia. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries. The Committee again considers that the comment was all the more inappropriate given Person 2’s young age.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 8 (k) proved.</p>
8. l.	<p><i>Charge 2(d);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (l) proved.</p> <p>The Committee has found above at head of charge 2 (d) that you asked Person 2 to show you photographs from Person 2’s Snapchat in exchange for you providing Person 2 with tooth whitening. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries. Person 2 was not of sufficient age to receive tooth whitening, and it was also not appropriate for you to ask to see personal</p>

	<p>photographs on her social media platform.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 8 (l) proved.</p>
8. m.	<p><i>Charge 2(e)</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (m) proved.</p> <p>The Committee has found above at head of charge 2 (e) that you said to Person 2, 'oh I like small girls, easier to put their leg on my shoulder', referring to sexual positions, or words to that effect. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries, even though the comment was made outside of the workplace.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 8 (m) proved.</p>
8. n.	<p><i>Charge 2(f)</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (n) proved.</p> <p>The Committee has found above at head of charge 2 (f) that you requested that Person 2 walk in front on you and said 'you go first' and/or 'after you' and/or 'well I have got all day', or words to that effect, implying that you wanted to observe her from behind, on more than one occasion. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (n) proved.</p>
8. o.	<p><i>Charge 2(g);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (o) proved.</p> <p>The Committee has found above at head of charge 2 (g) that you deliberately blocked the path of Person 2, creating unnecessary physical contact and/or proximity, on more than one occasion. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (o) proved.</p>

8. p.	<p><i>Charge 2(h)(i) and/or Charge 2(h)(ii);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (p) proved in relation to both heads of charge 2 (h) (i) and 2 (h) (ii).</p> <p>The Committee has found above at heads of charge 2 (h) (i) and 2 (h) (ii) that you said to Person 2, whilst providing dental treatment to her, words to the effect of, 'you like that do you' whilst your finger was in Person 2's mouth, and 'oh sexy' whilst Person 2 rinsed her mouth. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (p) proved.</p>
8. q.	<p><i>Charge 3(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (q) proved.</p> <p>The Committee found above that you asked Person 3 if she had ever had an orgasm, or words to that effect. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (q) proved.</p>
8. r.	<p><i>Charge 3(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (r) proved</p> <p>The Committee found above that you offered to show Person 3 what an orgasm felt like, or words to that effect. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (r) proved.</p>
8. s.	<p><i>Charge 3(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (s) proved.</p> <p>The Committee found above that you said to Person 3 'go on give it a go. No one will know', in reference to showing Person 3 what an orgasm felt like, or</p>

	<p>words to that effect. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (s) proved.</p>
8. t.	<p><i>Charge 3(d);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (t) proved.</p> <p>The Committee found above that you touched the area of Person 3's clitoris without her consent. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (t) proved.</p>
8. u.	<p><i>Charge 4(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (u) proved.</p> <p>The Committee found above that you asked Person 3 to 'stay there' and commented that you had a good view, or words to that effect, more than once when she was getting something from a drawer, implying that you wanted to look at her breasts and posterior. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (u) proved.</p>
8. v.	<p><i>Charge 4(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (v) proved.</p> <p>The Committee found above that you asked Person 3 if she had ever used a dildo. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (v) proved.</p>
8. w.	<p><i>Charge 4(c);</i></p> <p>Proved</p>

	<p>The Committee finds the facts alleged at head of charge 8 (w) proved.</p> <p>The Committee found above that you offered Person 3 a pay rise in return for oral sex. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (w) proved.</p>
8. x.	<p><i>Charge 4(d);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (x) proved.</p> <p>The Committee found above that you asked Person 3 if she wanted to get a hotel with you on a team building trip. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (x) proved.</p>
8. y.	<p><i>Charge 4(e);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (y) proved.</p> <p>The Committee found above that you asked Person 3 if she wanted to do anything with you, referring to a sexual relationship, on more than one occasion. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (y) proved.</p>
8. z.	<p><i>Charge 4(f);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (z) proved.</p> <p>The Committee found above that you said to Person 3 that you would give her 'a proper milkshake', referring to ejaculation, on more than one occasion. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (z) proved.</p>
8. aa.	<p><i>Charge 4(g);</i></p> <p>Proved</p>

	<p>The Committee finds the facts alleged at head of charge 8 (aa) proved.</p> <p>The Committee found above that you asked Person 3, in reference to a banana, ‘how much of that can you get down your throat?’, or words to that effect. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (aa) proved.</p>
8. bb.	<p><i>Charge 4(h);</i></p> <p>Not proved</p>
	<p>As the Committee has found the facts alleged at head of charge 4 (h) not proved, it follows that the facts alleged at head of charge 8 (bb), predicated as they are on the facts alleged at head of charge 4 (h), are not proved.</p>
8. cc.	<p><i>Charge 4(i);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (cc) proved.</p> <p>The Committee found above that you deliberately stood in Person 3’s way and/or brushed past her as she walked up stairs and/or in corridors, creating unnecessary physical contact and/or proximity, on more than one occasion. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (cc) proved.</p>
8. dd.	<p><i>Charge 4(j);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (dd) proved.</p> <p>The Committee found above that you asked Person 3 if she fancied running away with you, or words to that effect, on more than one occasion. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (dd) proved.</p>
8. ee.	<p><i>Charge 4(k);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (ee) proved.</p> <p>The Committee found above that you asked Person 3 if she would lift her</p>

	<p>trousers to see a 'camel toe', or words to that effect. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (ee) proved.</p>
8. ff.	<p><i>Charge 5(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (ff) proved.</p> <p>The Committee found above that you texted Person 4 that you weren't going to be with your wife for much longer and if she wanted to have some fun to let you know. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (ff) proved.</p>
8. gg.	<p><i>Charge 5(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (gg) proved.</p> <p>The Committee found above that, after she declined your sexual advances, you texted Person 4 to say that an affair would not affect work but to let you know if it was something that she wanted. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (gg) proved.</p>
8. hh.	<p><i>Charge 5(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (hh) proved.</p> <p>The Committee found above that you texted Person 4 'are you sure?' after she had declined your sexual advances. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (hh) proved.</p>
8. ii.	<p><i>Charge 6;</i></p>

	Proved
	<p>The Committee finds the facts alleged at head of charge 8 (ii) proved,</p> <p>The Committee found above that, on one occasion during 2020, you attempted to put your hand down the back of Person 5's top without her consent. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (ii) proved.</p>
8. jj.	<p><i>Charge 7(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (jj) proved.</p> <p>The Committee found above that you asked Person 5 to have an affair with you on more than one occasion. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (jj) proved.</p>
8. kk.	<p><i>Charge 7(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (kk) proved.</p> <p>The Committee found above that you offered Person 5 a pay rise in return for oral sex and/or other sexual acts on more than one occasion. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries.</p> <p>The Committee therefore finds the facts alleged at head of charge 8 (kk) proved.</p>
8. ll.	<p><i>Charge 7(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 8 (ll) proved.</p> <p>The Committee has found above that you texted Person 5 to say that you 'would love to see you floating on that subbed', meaning sunbed. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries. The Committee notes your explanation that you made this comment in light of your view that both you and Person 5 were too overweight to be able to float on the sunbed. The Committee does not accept this account, and in any event considers that the</p>

	comment was unprofessional either on that or any other level. The Committee therefore finds the facts alleged at head of charge 8 (II) proved.
8. mm.	<i>Charge 7(d);</i> Proved
	The Committee finds the facts alleged at head of charge 8 (mm) proved. The Committee found above that you texted Person 5 to say that you wanted to 'fist' her or words to that effect. The Committee considers that this conduct was unprofessional, as you failed to adhere to appropriate professional boundaries. The Committee therefore finds the facts alleged at head of charge 8 (mm) proved.
9.	<i>Your conduct in respect of the following charges was harassing:</i>
9. a.	<i>Charge 1(a);</i> Not proved
	As the Committee has found the facts alleged at head of charge 1 (a) not proved, it follows that the facts alleged at head of charge 9 (a), predicated as they are on the facts alleged at head of charge 1 (a), are not proved.
9. b.	<i>Charge 1(b);</i> Proved
	In approaching this head of charge, as well as heads of charge 9 (c) and 9 (e) to 9 (mm), the Committee has considered whether your proven conduct amounts to harassment according to section 26 of the Equality Act 2002, namely that harassment occurs when a person engages in unwanted conduct related to a relevant protected characteristic, or unwanted conduct of sexual nature, that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. In deciding whether the conduct had that effect, the Committee took into account each of the following: the perception of Person 1 (or the person in question); the other circumstances of the case; and whether it was reasonable for the conduct to have that effect. The Committee finds the facts alleged at head of charge 9 (b) proved. The Committee has found above that you acted in an unprofessional manner by stating to Person 1, 'while you're down there', when she was knelt on the floor, suggesting she engage in a sexual act. The Committee finds that this conduct was harassing, as it was reasonably considered by

	<p>Person 1 to violate her dignity by carrying an unwanted sexual implication.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (b) proved.</p>
9. c.	<p><i>Charge 1(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (c) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by pushing Person 1's chair and stating to her that you 'liked to hear her heavy breathing'. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature. Person 1's account is that she found your behaviour made her uncomfortable, and was offensive and intimidating to her and violated her dignity. The Committee finds that this was reasonable.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (c) proved.</p>
9. d.	<p><i>Charge 1(d);</i></p> <p>Not proved</p>
	<p>As the Committee has found the facts alleged at head of charge 1 (d) not proved, it follows that the facts alleged at head of charge 9 (d), predicated as they are on the facts alleged at head of charge 1 (d), are not proved.</p>
9. e.	<p><i>Charge 1(e);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (e) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by asking Person 1 to keep her head up whilst she was bending down, implying that you wanted to look at her breasts. The Committee notes that Person 1's evidence is that such conduct made her feel uncomfortable, resulting in her putting her hand across her breasts and zipping up her top. The Committee considers that this was reasonable, and that your conduct violated Person 1's dignity and intimidated her, was unwanted conduct of sexual nature, and as such was harassing.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (e) proved.</p>
9. f.	<p><i>Charge 1(f);</i></p> <p>Proved</p>

	<p>The Committee finds the facts alleged at head of charge 9 (f) proved.</p> <p>The Committee has found above that you acted in an unprofessional manner by pulling Person 1's hair and saying to her, '<i>do you like it when I pull your hair. It reminds me of Fifty Shades of Grey</i>' or words to that effect. The Committee considers that your conduct was reasonably seen to violate Person 1's dignity and degraded and humiliated her, and was unwanted conduct of a sexual nature. The Committee therefore finds that your conduct was harassing.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (f) proved.</p>
9. g.	<p><i>Charge 1(g);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (g) proved.</p> <p>The Committee has found above that you acted in an unprofessional manner by asking Person 1 how quickly she could take off her bra and then saying that if she could do it under 10 seconds you would pay her, or words to that effect. The Committee considers that your conduct was reasonably seen to violate Person 1's dignity and degraded and humiliated her, and was unwanted conduct of a sexual nature. The Committee concludes that your conduct was harassing.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (g) proved.</p>
9. h.	<p><i>Charge 1(h);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (h) proved.</p> <p>The Committee has found above that you acted in an unprofessional manner by saying to Person 1 that you 'were impressed she didn't gag' when you took an x-ray of her wisdom teeth and that you would like to try her gag reflex out, or words to that effect. The Committee finds that this conduct was harassing, as it was unwanted conduct of a sexual nature, and that it was reasonable for Person 1 to consider that her dignity was violated and she was humiliated, particularly whilst sitting in a vulnerable position in the dentist's chair with her mouth open.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (h) proved.</p>
9. i.	<p><i>Charge 2(a);</i></p> <p>Proved</p>

	<p>The Committee finds the facts alleged at head of charge 9 (i) proved.</p> <p>The Committee has found above that you asked Person 2 if she used sex toys, or words to that effect. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature. The Committee considers that your conduct was reasonably seen to violate Person 2's dignity and degraded and humiliated her.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (i) proved.</p>
9. j.	<p><i>Charge 2(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (j) proved.</p> <p>The Committee has found above that you acted unprofessionally by taking photographs of Person 2 and stating 'beautiful, that's so sexy', or words to that effect. The Committee notes the evidence of Person 2 that she felt uncomfortable as a result of your actions, which caused her to start recording your behaviour using her smartphone video camera. The Committee considers that your conduct was harassing, as it was conduct of a sexual nature, and that it was reasonable for Person 2 to consider that her dignity was violated and that she was humiliated.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 9 (j) proved.</p>
9. k.	<p><i>Charge 2(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (k) proved.</p> <p>The Committee has found above that you made an unprofessional comment to Person 2 about 'playing with balls' as a reference to genitalia. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature, that it was reasonable for Person 2 to consider that her dignity was violated, and that she was humiliated and intimidated.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (k) proved.</p>
9. l.	<p><i>Charge 2(d);</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (l) not proved.</p> <p>The Committee has found above at head of charge 2 (d) that you acted in an unprofessional manner by asking Person 2 to show you photographs from</p>

	<p>Person 2's Snapchat in exchange for you providing Person 2 with tooth whitening. The Committee does not find that this conduct was harassing, as it is not satisfied that the conduct was of a sexual nature or pertained to a protected characteristic. There is insufficient evidence that you were, for instance, attempting to view photographs of Person 2. The Committee has not been provided with sufficient evidence of what photographs you wished to see, and notes your account that you simply wished to see photographs of yourself.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 9 (l) not proved.</p>
9. m.	<p><i>Charge 2(e);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (m) proved.</p> <p>The Committee has found above that you made an unprofessional comment to Person 2, in that you said to her, 'oh I like small girls, easier to put their leg on my shoulder', referring to sexual positions, or words to that effect. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature, and that it was reasonable for Person 2 to consider that her dignity had been violated and that she had been humiliated. The Committee specifically considers that it was reasonable for Person 2 to consider that the comment that you made was directed to, and was about, her.</p> <p>Therefore, the Committee finds the facts alleged at head of charge 9 (m) proved.</p>
9. n.	<p><i>Charge 2(f);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (n) proved.</p> <p>The Committee has found above that you behaved unprofessionally in that you requested on one or more occasion that Person 2 walk in front on you and said 'you go first' and/or 'after you' and/or 'well I have got all day', or words to that effect, implying that you wanted to observe her from behind. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature, and that it was reasonable for Person 2 to consider that her dignity had been violated and that she had been humiliated. In the Committee's judgment Person 2 was entitled to walk up the stairs without feeling harassed.</p> <p>Therefore, the Committee finds the facts alleged at head of charge 9 (n) proved.</p>

9. o.	<p><i>Charge 2(g);</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (o) not proved.</p> <p>The Committee has found above that that you acted in an unprofessional manner, as you deliberately blocked the path of Person 2, creating unnecessary physical contact and/or proximity, on more than one occasion. Although the Committee notes Person 2's interpretation of your conduct as intimidating, it does not find that your conduct was of an unwanted <i>sexual</i> nature. As such, the Committee finds that your conduct was not harassing.</p> <p>Therefore, the Committee finds the facts alleged at head of charge 9 (o) not proved.</p>
9. p.	<p><i>Charge 2(h)(i) and/or Charge 2(h)(ii);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (p) proved in respect of heads of charge 2 (h) (i) and 2 (h) (ii).</p> <p>The Committee has found above that you acted in an unprofessional manner, in that you said to Person 2, whilst providing dental treatment to her, words to the effect of, 'you like that do you' whilst your finger was in Person 2's mouth, and 'oh sexy' whilst Person 2 rinsed her mouth. The Committee finds that your conduct in both respects had clear sexual connotations and was of an unwanted sexual nature. The Committee also finds that your conduct intimidated and violated Person 2. For these reasons the Committee finds that your conduct was harassing.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (p) proved in respect of heads of charge 2 (h) (i) and 2 (h) (ii).</p>
9. q.	<p><i>Charge 3(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (q) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by asking Person 3 if she had ever had an orgasm, or words to that effect. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (q) proved.</p>
9. r.	<p><i>Charge 3(b);</i></p> <p>Proved</p>

	<p>The Committee finds the facts alleged at head of charge 9 (r) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by offering to show Person 3 what an orgasm felt like, or words to that effect. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (r) proved.</p>
9. s.	<p><i>Charge 3(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (s) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by saying to Person 3 'go on give it a go. No one will know', in reference to showing Person 3 what an orgasm felt like, or words to that effect. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (s) proved.</p>
9. t.	<p><i>Charge 3(d);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (t) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by touching the area of Person 3's clitoris without her consent. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (t) proved.</p>
9. u.	<p><i>Charge 4(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (u) proved.</p> <p>The Committee found above that you acted unprofessionally by asking Person 3 to 'stay there' and commented that you had a good view, or words to that effect, more than once when she was getting something from a drawer, implying that you wanted to look at her breasts and posterior. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which humiliated and intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (u) proved.</p>

	proved.
9. v.	<i>Charge 4(b);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 9 (v) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by asking Person 3 if she had ever used a dildo. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature, and more particularly of an item used in sexual activity, which humiliated and intimidated Person 3. The Committee had heard evidence that sexual discussions took place at work away from patients, but these other discussions do not mean that Person 3 was being unreasonable when saying that she felt offended by what you said to her. The Committee is also mindful that the specific comment was made by you to her about the particular item in question.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (v) proved.</p>
9. w.	<i>Charge 4(c);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 9 (w) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by offering Person 3 a pay rise in return for oral sex. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature, and more particularly it was the proposal of sexual contact between the two of you which humiliated and intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (w) proved.</p>
9. x.	<i>Charge 4(d);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 9 (x) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by asking Person 3 if she wanted to get a hotel with you on a team building trip. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature, and more particularly the proposal of sexual contact between the two of you in a hotel room, which humiliated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (x)</p>

	proved.
9. y.	<i>Charge 4(e);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 9 (y) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by asking Person 3 if she wanted to do anything with you, referring to a sexual relationship, on more than one occasion. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which was repeated despite her refusals, and which humiliated and intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (y) proved.</p>
9. z.	<i>Charge 4(f);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 9 (z) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by saying to Person 3 that you would give her ‘a proper milkshake’, referring to ejaculation, on more than one occasion. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which humiliated and intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (z) proved.</p>
9. aa.	<i>Charge 4(g);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 9 (aa) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by asking Person 3, in reference to a banana, ‘how much of that can you get down your throat?’, or words to that effect. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature, relating as it did to an analogy between a banana and a male penis, which humiliated and intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (aa) proved.</p>
9. bb.	<i>Charge 4(h);</i> Not proved

	As the Committee has found the facts alleged at head of charge 4 (h) not proved, it follows that the facts alleged at head of charge 9 (bb), predicated as they are on the facts alleged at head of charge 4 (h), are not proved.
9. cc.	<i>Charge 4(i);</i> Not proved
	<p>The Committee finds the facts alleged at head of charge 9 (cc) not proved.</p> <p>The Committee found above that you acted in an unprofessional manner by deliberately standing in Person 3's way and/or brushed past her as she walked up stairs and/or in corridors, creating unnecessary physical contact and/or proximity, on more than one occasion. Although the Committee notes Person 3's interpretation of your conduct as intimidating and unwelcome, it does not find that your conduct was of an unwanted <i>sexual</i> nature. As such, the Committee finds that your conduct was not harassing.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (cc) not proved.</p>
9. dd.	<i>Charge 4(j);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 9 (dd) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by asking Person 3 if she fancied running away with you, or words to that effect, on more than one occasion. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature, implying as it did a future sexual relationship, which humiliated and intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (dd) proved.</p>
9. ee.	<i>Charge 4(k);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 9 (ee) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by asking Person 3 if she would lift her trousers to see a 'camel toe', or words to that effect. The Committee finds that the nature of the comment, alluding as it does to female labia, was sexual. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which humiliated and intimidated Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (ee)</p>

	proved.
9. ff.	<i>Charge 5(a);</i> Not proved
	<p>The Committee finds the facts alleged at head of charge 9 (ff) not proved.</p> <p>The Committee found above that you acted in an unprofessional manner by texting Person 4 that you weren't going to be with your wife for much longer and if she wanted to have some fun to let you know. The Committee considers that the GDC has not demonstrated to the standard required that the text message amounted to harassment. You made an approach to Person 4, and she declined it. Although the conduct was unwanted conduct of a sexual nature which caused discomfort to Person 4, it finds that there is insufficient evidence to demonstrate that this conduct was perceived by Person 4 to be, for instance, humiliating or degrading to her.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (ff) not proved.</p>
9. gg.	<i>Charge 5(b);</i> Not proved
	<p>The Committee finds the facts alleged at head of charge 9 (gg) not proved.</p> <p>The Committee found above that you acted in an unprofessional manner by texting Person 4 to say that an affair would not affect work but to let you know if it was something that she wanted. This was part of the exchange of text messages beginning with the message referred to at head of charge 5 (a). The Committee considers that the GDC has not demonstrated to the standard required that the text message amounted to harassment. Although the conduct was unwanted conduct of a sexual nature which caused discomfort to Person 4, it finds that there is insufficient evidence to demonstrate that this conduct was perceived by Person 4 to be, for instance, humiliating or degrading to her.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (gg) not proved.</p>
9. hh.	<i>Charge 5(c);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 9 (hh) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by texting Person 4 'are you sure?' after she had declined your sexual advances. The Committee finds that this conduct was unwanted conduct of a sexual nature. The Committee bore in mind that this was now some time</p>

	<p>after the initial exchange of messages referred to at heads of charge 5 (a) and 5 (b). The Committee notes from the evidence of Person 4 that, by this time, she had come to feel uncomfortable and intimidated at work as a result of your repeated text messages. The Committee considers that Person 4's reaction was reasonable in these circumstances.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (hh) proved.</p>
9. ii.	<p><i>Charge 6;</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (ii) not proved.</p> <p>The Committee found above that, on one occasion during 2020, you acted in an unprofessional manner by attempting to put your hand down the back of Person 5's top without her consent. This was in the context of her throwing wet paper towels at you and, on this particular matter, the Committee accepted your account of how the episode developed. The Committee considers that this does not amount to harassment, as it was not unwanted conduct of sexual nature and is instead better characterised as horseplay between you and Person 5.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (ii) not proved.</p>
9. jj.	<p><i>Charge 7(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (jj) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by asking Person 5 to have an affair with you on more than one occasion. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which humiliated and intimidated Person 5.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (jj) proved.</p>
9. kk.	<p><i>Charge 7(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (kk) proved.</p> <p>The Committee found above that you acted unprofessionally by offering Person 5 a pay rise in return for oral sex and/or other sexual acts on more than one occasion. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which humiliated, degraded and intimidated Person 5, particularly in terms of her fear of</p>

	<p>repercussions.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (kk) proved.</p>
9. ll.	<p><i>Charge 7(c);</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (ll) not proved.</p> <p>The Committee has found above that you acted unprofessionally by texting Person 5 to say that you 'would love to see you floating on that subbed', meaning sunbed. The Committee does not consider that the GDC has demonstrated to the required standard that the conduct was perceived by Person 5 to be, for instance, humiliating or degrading to her. It therefore finds that the conduct does not amount to harassment.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (ll) not proved.</p>
9. mm.	<p><i>Charge 7(d);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 9 (mm) proved.</p> <p>The Committee found above that you acted unprofessionally by texting Person 5 to say that you wanted to 'fist' her or words to that effect. The Committee considers that this conduct was harassing, as it was unwanted conduct of a sexual nature which humiliated, degraded and intimidated Person 5.</p> <p>The Committee therefore finds the facts alleged at head of charge 9 (mm) proved.</p>
10.	<p><i>Your conduct in respect of the following charges was sexually motivated:</i></p>
10. a.	<p><i>Charge 1(a);</i></p> <p>Not proved</p>
	<p>As the Committee has found the facts alleged at head of charge 1 (a) not proved, it follows that the facts alleged at head of charge 10 (a), predicated as they are on the facts alleged at head of charge 1 (a), are not proved.</p>
10. b.	<p><i>Charge 1(b);</i></p> <p>Not proved</p>
	<p>In approaching this head of charge, as well as heads of charge 10 (c) to 10 (mm), the Committee has considered whether your proven conduct was sexually motivated according to the approach set out in the case of <i>Basson</i></p>

	<p><i>v GMC [2018] EWHC 5050 (Admin)</i>, namely that, ‘a sexual motive means that the conduct was done either in pursuit of sexual gratification or in pursuit of a future sexual relationship’.</p> <p>The Committee finds the facts alleged at head of charge 10 (b) not proved.</p> <p>The Committee has found above that you acted in an unprofessional and harassing manner by stating to Person 1, ‘while you’re down there’, when she was knelt on the floor, suggesting she engage in a sexual act. However, the Committee considers that this comment was not sexually motivated. The Committee considers that your comment, whilst unprofessional and harassing, was not sexually motivated, as it was a spur-of-the-moment and offhand comment which was not in the Committee’s judgment intended as an attempt to receive sexual gratification either at the time or with a view to a later sexual relationship.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (b) not proved.</p>
10. c.	<p><i>Charge 1(c);</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (c) not proved.</p> <p>The Committee found at head of charge 1 (c) above that you acted in an unprofessional and harassing manner by pushing Person 1’s chair and stating to her that you ‘liked to hear her heavy breathing’. The Committee considers that this conduct was harassing, as by Person 1’s account she found your behaviour made her uncomfortable, and was offensive and intimidating to her and violated her dignity. The Committee considers that your comment, whilst unprofessional and harassing, and whilst sexual in nature, was not sexually motivated, as it was not in the Committee’s judgment an attempt to receive sexual gratification either at the time or with a view to a later sexual relationship.</p> <p>Accordingly, the Committee finds the facts alleged at head of charge 10 (c) not proved.</p>
10. d.	<p><i>Charge 1(d);</i></p> <p>Not proved</p>
	<p>As the Committee has found the facts alleged at head of charge 1 (d) not proved, it follows that the facts alleged at head of charge 10 (d), predicated as they are on the facts alleged at head of charge 1 (d), are not proved.</p>
10. e.	<p><i>Charge 1(e);</i></p> <p>Proved</p>

	<p>The Committee finds the facts alleged at head of charge 10 (e) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by asking Person 1 to keep her head up whilst she was bending down, implying that you wanted to look at her breasts. The Committee considers that your comment was sexually motivated, as it was intended to obtain sexual gratification from looking at Person 1's breasts.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (e) proved.</p>
10. f.	<p><i>Charge 1(f);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (f) proved.</p> <p>The Committee has found above that you acted in an unprofessional and harassing manner by pulling Person 1's hair and saying to her, '<i>do you like it when I pull your hair. It reminds me of Fifty Shades of Grey</i>' or words to that effect. The Committee considers that your conduct was sexually motivated, given the link that you made between your act of pulling Person 1's hair and the content of <i>Fifty Shades of Grey</i>, which is sexual in content. Your association of this action with the book and/or film demonstrates that your conduct was sexually motivated.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (f) proved.</p>
10. g.	<p><i>Charge 1(g);</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (g) not proved.</p> <p>The Committee has found above that you acted in an unprofessional and harassing manner by asking Person 1 how quickly she could take off her bra and then saying said that if she could do it under 10 seconds you would pay her, or words to that effect. The Committee considers that your comment, whilst unprofessional and harassing, was not sexually motivated, as it was not in the Committee's judgment an attempt to receive sexual gratification either at the time or with a view to a later sexual relationship. In reaching this decision the Committee notes that the comment appears to have been made as part of an ongoing conversation amongst a number of members of staff as to the speed with which they could remove their bras, and it is not persuaded that the comment that you made was sexually motivated.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (g) not proved.</p>

10. h.	<p><i>Charge 1(h);</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (h) not proved.</p> <p>The Committee has found above that you acted in an unprofessional and harassing manner by saying to Person 1 that you ‘were impressed she didn’t gag’ when you took an x-ray of her wisdom teeth and that you would like to try her gag reflex out, or words to that effect. The Committee finds that this conduct was not sexually motivated, in that, although the comment was sexual in content, it was not in the Committee’s judgment an attempt to receive sexual gratification either at the time or with a view to a later sexual relationship.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (h) not proved.</p>
10. i.	<p><i>Charge 2(a);</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (i) not proved.</p> <p>The Committee has found above that you behaved in an unprofessional and harassing manner by asking Person 2 if she used sex toys, or words to that effect. The Committee finds that this conduct was not sexually motivated, in that, although the comment was sexual in content, it was not in the Committee’s judgment an attempt to receive sexual gratification either at the time or with a view to a later sexual relationship.</p> <p>Accordingly, the Committee finds the facts alleged at head of charge 10 (i) not proved.</p>
10. j.	<p><i>Charge 2(b);</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (j) not proved.</p> <p>The Committee has found above that you acted in an unprofessional and harassing manner by taking photographs of Person 2 and stating ‘beautiful, that’s so sexy’, or words to that effect. The Committee finds that this conduct was not sexually motivated, in that, although you used the words ‘sexy’ and ‘beautiful’, it was not in the Committee’s judgment an attempt to receive sexual gratification either at the time or with a view to a later sexual relationship.</p> <p>Accordingly, the Committee finds the facts alleged at head of charge 10 (j) not proved.</p>

10. k.	<p><i>Charge 2(c);</i> Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (k) not proved.</p> <p>The Committee has found above that you made an unprofessional and harassing comment to Person 2 about 'playing with balls' as a reference to genitalia. The Committee finds that this conduct was not sexually motivated. The Committee considers that the comment was made in the context of a discussion between more than two people involving the use of table tennis balls. The Committee considers that your motive was not sexual, albeit that an analogy to genitalia was used, and was not an attempt to receive sexual gratification either at the time or with a view to a later sexual relationship.</p> <p>Accordingly, the Committee finds the facts alleged at head of charge 10 (k) not proved.</p>
10. l.	<p><i>Charge 2(d);</i> Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (l) not proved.</p> <p>The Committee has found above at head of charge 2 (d) that you acted in an unprofessional manner by asking Person 2 to show you photographs from Person 2's Snapchat in exchange for you providing Person 2 with tooth whitening. The Committee finds that this conduct was not sexually motivated, as there is insufficient evidence to suggest that you were, for instance, attempting to view photographs of Person 2. The Committee has not been provided with sufficient evidence of what photographs you wished to see, and notes your account that you simply wished to see photographs of yourself. The Committee considers that this conduct was not an attempt to receive sexual gratification either at the time or with a view to a later sexual relationship.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 10 (l) not proved.</p>
10. m.	<p><i>Charge 2(e);</i> Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (m) not proved.</p> <p>The Committee has found above that you made an unprofessional and harassing comment to Person 2, in that you said to her, 'oh I like small girls, easier to put their leg on my shoulder', referring to sexual positions, or words to that effect.</p> <p>The Committee finds that this conduct was not sexually motivated, in that,</p>

	<p>although you used language alluding to sexual intercourse, your comment was not in the Committee's judgment an attempt to receive sexual gratification either at the time or with a view to a later sexual relationship.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (m) not proved.</p>
10. n.	<p><i>Charge 2(f);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (n) proved.</p> <p>The Committee has found above that you behaved in an unprofessional and harassing manner, in that you requested on one or more occasion that Person 2 walk in front on you and said you go first' and/or 'after you' and/or 'well I have got all day', or words to that effect, implying that you wanted to observe her from behind. The Committee considers that your comment was sexually motivated, as it was intended to obtain sexual gratification from looking at Person 2's posterior. The Committee can identify no possible alternative explanation for your conduct.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (n) proved.</p>
10. o.	<p><i>Charge 2(g);</i></p> <p>Not proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (o) not proved.</p> <p>The Committee has found above that you behaved in an unprofessional manner, in that you deliberately blocked the path of Person 2, creating unnecessary physical contact and/or proximity, on more than one occasion. The Committee has found that there was not a sexual context for your conduct, and moreover it finds that your actions were not sexually motivated.</p> <p>Accordingly the Committee finds the facts alleged at head of charge 10 (o) not proved.</p>
10. p.	<p><i>Charge 2(h)(i) and/or Charge 2(h)(ii);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (p) proved in respect of heads of charge 2 (h) (i) and 2 (h) (ii).</p> <p>The Committee has found above that you acted in an unprofessional and harassing manner, in that you said to Person 2, whilst providing dental treatment to her, words to the effect of, 'you like that do you' whilst your finger was in Person 2's mouth, and 'oh sexy' whilst Person 2 rinsed her mouth. The Committee considers that your conduct was sexually motivated,</p>

	<p>as it was intended to obtain sexual gratification by you exploiting Person 2's vulnerability whilst she was sitting in the dentist's chair and was otherwise receiving dental treatment and procedures.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (p) proved in respect of heads of charge 2 (h) (i) and 2 (h) (ii).</p>
10. q.	<p><i>Charge 3(a)</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (q) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by asking Person 3 if she had ever had an orgasm, or words to that effect. The Committee considers that your conduct was sexually motivated, as it was intended to obtain sexual gratification and also likely in pursuit of a future sexual relationship.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (q) proved.</p>
10. r.	<p><i>Charge 3(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (r) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by offering to show Person 3 what an orgasm felt like, or words to that effect. The Committee considers that your conduct was sexually motivated, as it was intended to obtain sexual gratification and also likely in pursuit of a future sexual relationship.</p> <p>Therefore the Committee finds the facts alleged at head of charge 10 (r) proved.</p>
10. s.	<p><i>Charge 3(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (s) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by saying to Person 3 'go on give it a go. No one will know', in reference to showing Person 3 what an orgasm felt like, or words to that effect. The Committee considers that your conduct was sexually motivated, as it was intended to obtain sexual gratification and also likely in pursuit of a future sexual relationship.</p> <p>Therefore the Committee finds the facts alleged at head of charge 10 (s) proved.</p>

10. t.	<p><i>Charge 3(d);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (t) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by touching the area of Person 3's clitoris without her consent. The Committee considers that your conduct was sexually motivated, as it was intended to obtain sexual gratification and also likely in pursuit of a future sexual relationship.</p> <p>Therefore the Committee finds the facts alleged at head of charge 10 (t) proved.</p>
10. u.	<p><i>Charge 4(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (u) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by asking Person 3 to 'stay there' and commented that you had a good view, or words to that effect, more than once when she was getting something from a drawer, implying that you wanted to look at her breasts and posterior. The Committee considers that your conduct was sexually motivated, as it was in pursuit of sexual gratification. In reaching this conclusion the Committee noted that there is evidence that, away from patients, there were generalised discussions in the practice about dildos, involving Person 3 and others. The Committee nonetheless considers that your conduct was sexually motivated, as your comment was made directly and privately to Person 3 and was a specific question about her sexual preferences and activities.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (u) proved.</p>
10. v.	<p><i>Charge 4(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (v) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by asking Person 3 if she had ever used a dildo. The Committee considers that your conduct was sexually motivated, as it was in pursuit of a future sexual relationship. In reaching this conclusion the Committee again noted that, away from patients, there were generalised discussions in the practice about dildos, involving Person 3 and others. The Committee nonetheless considers that your conduct was sexually motivated, as your comment was made directly and privately to Person 3 and was a</p>

	<p>specific question about her sexual preferences and activities.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (v) proved.</p>
10. w.	<p><i>Charge 4(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (w) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by offering Person 3 a pay rise in return for oral sex. The Committee considers that your conduct was sexually motivated, as it was in pursuit of sexual gratification. The comment was made privately and directly to Person 3 and in the Committee's judgment this was part of your attempts to pursue sexual activity with Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (w) proved.</p>
10. x.	<p><i>Charge 4(d);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (x) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by asking Person 3 if she wanted to get a hotel with you on a team building trip. The Committee considers that your comment proposed that sexual activity take place between you and Person 3. The Committee therefore finds that your conduct was sexually motivated, as it was in pursuit of sexual gratification.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (x) proved.</p>
10. y.	<p><i>Charge 4(e);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (y) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by asking Person 3 if she wanted to do anything with you, referring to a sexual relationship, on more than one occasion. The Committee considers that your conduct was sexually motivated, as it was intended in pursuit of a future sexual relationship and in the Committee's judgment this was part of your attempts to pursue sexual activity with Person 3.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (y) proved.</p>

	proved.
10. z.	<i>Charge 4 (f);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 10 (z) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by saying to Person 3 that you would give her 'a proper milkshake', referring to ejaculation, on more than one occasion. The Committee considers that your comment proposed that sexual activity, namely ejaculation, take place between you and Person 3. The Committee therefore finds that your conduct was sexually motivated, as it was in pursuit of sexual gratification and in pursuit of a future sexual relationship.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (z) proved.</p>
10. aa.	<i>Charge 4(g);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 10 (aa) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by asking Person 3, in reference to a banana, 'how much of that can you get down your throat?', or words to that effect. The Committee finds that your conduct was sexually motivated, as it was in pursuit of sexual gratification.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (aa) proved</p>
10. bb.	<i>Charge 4(h);</i> Not proved
	As the Committee has found the facts alleged at head of charge 4 (h) not proved, it follows that the facts alleged at head of charge 10 (bb), predicated as they are on the facts alleged at head of charge 4 (h), are not proved.
10. cc.	<i>Charge 4(i);</i> Not proved
	<p>The Committee finds the facts alleged at head of charge 10 (cc) not proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by deliberately standing in Person 3's way and/or brushed past her as she walked up stairs and/or in corridors, creating unnecessary physical contact and/or proximity, on more than one occasion. The Committee has found above that there was not a sexual context for your</p>

	<p>conduct, and that it was an instance of horseplay with Person 3. It finds that your actions were not sexually motivated.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (cc) not proved.</p>
10. dd.	<p><i>Charge 4(j);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (dd) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by asking Person 3 if she fancied running away with you, or words to that effect, on more than one occasion. Your evidence to the Committee is that the allegation should be placed in the context of you and Person 3 being friends, and that you often made joke references to 'running away' with individuals at the practice which you did not intend to be taken seriously. However, the Committee finds that your conduct was sexually motivated, as it was in pursuit of a future sexual relationship, and was said in the context of you not having sexual relations at home.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (dd) proved.</p>
10. ee.	<p><i>Charge 4(k);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (ee) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by asking Person 3 if she would lift her trousers to see a 'camel toe', or words to that effect. The Committee finds that your conduct was sexually motivated, as it was in pursuit of sexual gratification, more particularly viewing the outline of Person 3's labia.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (ee) proved.</p>
10. ff.	<p><i>Charge 5(a);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (ff) proved.</p> <p>The Committee has found above that you acted in an unprofessional manner by texting Person 4 that you weren't going to be with your wife for much longer and telling her that, if she wanted to have some fun, to let you know. The Committee finds that your conduct was sexually motivated, as it was in pursuit of a future sexual relationship.</p>

	The Committee therefore finds the facts alleged at head of charge 10 (ff) proved.
10. gg.	<i>Charge 5(b);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 10 (gg) proved.</p> <p>The Committee found above that you acted in an unprofessional manner by texting Person 4, after she declined your sexual advances, to say that an affair would not affect work but to let you know if it was something that she wanted. The Committee finds that your conduct was sexually motivated, as it was in pursuit of a future sexual relationship.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (gg) proved.</p>
10. hh.	<i>Charge 5(c);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 10 (hh) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by texting Person 4 'are you sure?' after she had declined your sexual advances. The Committee finds that your conduct was sexually motivated, as it was in pursuit of a future sexual relationship.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (hh) proved.</p>
10. ii.	<i>Charge 6;</i> Not proved
	<p>The Committee finds the facts alleged at head of charge 10 (ii) not proved.</p> <p>The Committee found above that, on one occasion during 2020, you acted in an unprofessional manner by attempting to put your hand down the back of Person 5's top without her consent. The Committee considers that your conduct was not sexually motivated, and as set out above is instead better characterised as horseplay between you and Person 5 with no sexual intent.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (ii) not proved.</p>
10. jj.	<i>Charge 7(a);</i> Proved
	<p>The Committee finds the facts alleged at head of charge 10 (jj) proved.</p> <p>The Committee found above that you acted in an unprofessional and</p>

	<p>harassing manner by asking Person 5 to have an affair with you on more than one occasion. The Committee considers that your conduct was sexually motivated, as it was intended in pursuit of a future sexual relationship with Person 5.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (jj) proved.</p>
10. kk.	<p><i>Charge 7(b);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (kk) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by offering Person 5 a pay rise in return for oral sex and/or other sexual acts on more than one occasion. The Committee considers that your conduct was sexually motivated, as it was intended in pursuit of a future sexual relationship with Person 5.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (kk) proved.</p>
10. ll.	<p><i>Charge 7(c);</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (ll) proved.</p> <p>The Committee has found above that you acted unprofessionally by texting Person 5 to say that you 'would love to see you floating on that subbed', meaning sunbed. The Committee considers that this implied that you would like to see Person 5 in attire suitable for use on a sunbed, and more particularly scant attire. The evidence is that you referenced a photograph of a sunbed, which had been shared in a group chat, in a separate private chat with Person 5. In the circumstances the Committee finds that your conduct was sexually motivated, as it was intended in pursuit of a future sexual relationship with Person 5.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (ll) proved.</p>
10. mm.	<p><i>Charge 7(d).</i></p> <p>Proved</p>
	<p>The Committee finds the facts alleged at head of charge 10 (mm) proved.</p> <p>The Committee found above that you acted in an unprofessional and harassing manner by texting Person 5 to say that you wanted to 'fist' her or words to that effect. The Committee finds that your conduct was sexually motivated, as it was intended in pursuit of a future sexual relationship with</p>

	<p>Person 5.</p> <p>The Committee therefore finds the facts alleged at head of charge 10 (mm) proved.</p>
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We move to stage two.”

On 15 September 2022 the hearing was adjourned part-heard. The hearing resumed on 21 November 2022.

On 22 November 2022 the Chairman announced the determination as follows:

“Mr Blackman

Proceedings at stage two

The Committee has considered all the evidence presented to it, both written and oral. The Committee has taken into account the submissions made by Ms Udom on behalf of the GDC and those made by Mr Rogers on your behalf. The Committee has accepted the advice of the Legal Adviser, and has paid careful regard to the GDC’s *Guidance for the Practice Committees including Indicative Sanctions Guidance* (October 2016, updated December 2020).

Evidence

The Committee has been provided with a number of documents submitted on your behalf in relation to this second stage of the proceedings. These documents include a further witness statement from you, reports from your chaperones, certificates of continuing professional development (CPD), personal reflections, a personal development plan (PDP), a letter from a psychotherapist with whom you have attended sessions, character references from your colleagues and patient feedback forms.

The Committee heard oral evidence from the practice manager at your current place of work, who is referred to for the purposes of these proceedings as Witness F; a dental nurse at that same practice, who is referred to as Witness G; and the principal dentist at, and owner of, that practice, who is referred to as Witness H.

Fitness to practise history

In accordance with Rule 20 (1) (a) of the General Dental Council (Fitness to Practise) Rules 2006 (‘the Rules’) Ms Udom informed the Committee that you have no other fitness to practise history.

Submissions

Ms Udom on behalf of the GDC submitted that the facts that the Committee has found proved amount to misconduct. She submitted that your insight into and remediation of your misconduct is limited, and that your fitness to practise is currently impaired by reason of your misconduct because of the ongoing risk that you pose. Ms Udom also submitted

that a finding of impairment is further required in the public interest. Ms Udom submitted that a lesser sanction than the ultimate disposal of erasure from the register would be insufficient in the particular circumstances of this case, and in particular on account of what she submitted is a harmful, deep-seated personality defect on your part.

Mr Rogers on your behalf submitted that, save for its findings at head of charge 3 (d) which relate to you having touched the area of Person 3's clitoris without her consent on an occasion in 2016, the Committee's findings do not amount to misconduct and must not be cumulated. Mr Rogers submitted that, were the Committee to instead reach a finding of misconduct, your fitness to practise is not currently impaired as a result of any misconduct that the Committee might identify, as you have provided evidence of appropriate remediation and insight. Mr Rogers submitted that, as such, you do not pose a risk to the public. Mr Rogers submitted that if impairment is found then no sanction higher than conditions or suspension is warranted, as you do not have a harmful, deep-seated personality defect.

Misconduct

The Committee first considered whether the facts that it has found proved constitute misconduct. In considering this matter, the Committee has exercised its own independent judgement.

The Committee has had regard to the following paragraphs of the GDC's *Standards for the Dental Team* (September 2013) in place at the time of the incidents giving rise to the facts that it has found proved. These paragraphs state that as a dentist:

- 1.3.2 You must make sure you do not bring the profession into disrepute.
- 6.1.2 You must treat colleagues fairly and with respect, in all situations and all forms of interaction and communication. You must not bully, harass or unfairly discriminate against them.
- 6.6.7 You should ensure your team has:
 - good leadership
 - clear, shared aims; and
 - an understanding of their roles and responsibilities.
- 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.
- 9.1.1 You must treat all team members, other colleagues and members of the public fairly, with dignity and in line with the law.

The Committee found at the factual inquiry stage that you behaved in an unprofessional, harassing and sexually motivated manner towards five work colleagues in the overall period of January 2016 to August 2020.

In light of its findings of fact, the Committee has concluded that those facts proved constitute misconduct. The Committee's findings relate to serious departures from the standards reasonably to be expected of a registered dentist. Your conduct was sustained and repeated over a considerable period of time and amounted to an abuse of your authority and trusted position in your interactions with your colleagues. Your conduct took place at, or was directly associated with, your place of work. Your conduct involved younger females. Person 3 was aged 16 at the time, and it has been reported that Person 2 was aged 15. The Committee has previously found that your conduct had a humiliating effect on your colleagues and was wholly unprofessional. The Committee considers that your serious departures from the relevant standards would be viewed as deplorable by your fellow professionals.

The Committee therefore finds that the facts that it has found proved amount to misconduct.

Impairment

The Committee then went on to consider whether your fitness to practise is currently impaired by reason of the misconduct that it has found. In doing so, the Committee has again exercised its independent judgement.

Throughout its deliberations, the Committee has borne in mind that its overarching objective is to protect the public, which includes the protection of patients and the wider public, the maintenance of public confidence in the profession and in the regulatory process, and the declaring and upholding of proper standards of conduct and behaviour.

The Committee considers that your fitness to practise is currently impaired. The Committee's reasons are as follows.

In determining whether you currently pose a risk to the public the Committee has considered the extent of your insight into, and remediation of, your misconduct. The Committee notes the evidence of CPD that you have provided, and in particular a course on appropriate professional boundaries undertaken in March 2021, as well as the PDP that you formulated as a result of that course. The Committee has also taken note of your statements of reflection. However, the Committee considers that your insight into, and remediation of, your misconduct can only properly be described as being at its early stages. The Committee considers that your insight and remediation is limited, infrequent and not recent. The information provided by a psychotherapist dated March 2021 is very limited and, by its nature, does not include any information about further sessions that you may or may not have attended after March 2021. The Committee therefore finds that, whilst you have made efforts to develop insight and remediation, this process is far from complete.

As a result the Committee considers that you continue to pose a risk on account of your unremediated serious misconduct. The Committee further considers that, if the bonds of trust, professionalism and respect between members of the dental team are broken, mutual trust and confidence between colleagues can be jeopardised. This may well have an effect on patient care, as in the Committee's judgment safe and effective care is in no

small part contingent on the ability of colleagues to work harmoniously with one another. The Committee is mindful that there have been no reports of any repetition of the misconduct which has precipitated these proceedings, but it has been informed that you have been working under chaperone in accordance with interim conditions to which your registration has been subject. The Committee is not sufficiently reassured as to how you would avoid a repeat of your misconduct if you were to practise without restriction, and therefore it is not satisfied that you have embedded the learning that you have started. The Committee is not satisfied that you are currently fit to practise without restriction.

The Committee also considers that a finding of impairment is further, and undoubtedly, required in the public interest. The Committee considers that your serious, repeated and sustained departures from proper professional standards have the effect of undermining public trust and confidence in the profession. The Committee finds that your conduct breached the fundamental professional tenets of treating colleagues fairly and respectfully and upholding the reputation of the profession. The Committee considers that in the particular circumstances of this case a finding of impairment is required in order to maintain public trust and confidence in the profession and in the regulatory process, and to declare and uphold proper professional standards of conduct and behaviour. The Committee considers that a reasonable and informed member of the public would be nothing less than appalled if a finding of impairment were not made in the particularly serious circumstances of this case.

Sanction

The Committee then determined what sanction, if any, would be appropriate in light of the findings of facts, misconduct and impairment that it has made. The Committee recognises that the purpose of a sanction is not to be punitive, although it may have that effect, but it is instead imposed in order to protect patients and safeguard the wider public interest referred to above.

In reaching its decision the Committee has again taken into account the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has applied the principle of proportionality, balancing the public interest with your own interests.

The Committee has had regard to the mitigating and aggravating factors in this case. In terms of mitigation, the Committee notes that you are of previous good character, with no regulatory findings recorded against you. The Committee has also taken account of your good conduct since the events giving rise to these proceedings, as well as the insight and remediation, albeit limited, that you have demonstrated. You have expressed your remorse for your conduct, and offered an apology to those concerned when these matters were first identified. Your actions were not motivated by financial gain. The Committee has also borne in mind the numerous supportive and positive testimonials submitted on your behalf by colleagues who have stated that they are aware of the matters in this case, as well as patient feedback forms which attest to the high regard in which you are held by patients.

There are a number of aggravating factors in this case. The Committee considers that your actions are likely to have had a deleterious effect on the emotional and mental state of your colleagues, and as noted above are likely to have compromised the trust between colleagues upon which safe and effective patient care is dependent. The Committee also considers that there was an element of premeditation in your conduct in terms of engineering circumstances and cultivating sexual contact or sexual relationships. Your actions represent a breach of trust, and adversely affected colleagues who were vulnerable in terms of the differences in age, power and seniority that existed between you and them. Your misconduct was sustained and repeated over a considerable period of some years, and the Committee also again notes the shortcomings in your insight into your misconduct as referred to above.

The Committee has considered the range of sanctions available to it, starting with the least serious. In light of the findings made against you, the Committee has determined that taking no action or issuing a reprimand would be insufficient to protect the public and would serve to undermine public trust and confidence in the profession in light of the serious nature of this case.

The Committee next considered whether a period of conditional registration would be appropriate. The Committee notes that your registration has been subject to an interim order of conditions. The Committee is mindful that the test for the imposition of an interim order is manifestly different to the purposes and procedures of this Committee. The Committee considers that a direction of conditional registration would not be appropriate or proportionate in light of the seriousness of its findings. The Committee considers that a period of conditional registration would not be sufficient to protect the public, would not declare and uphold proper professional standards, and would not maintain trust and confidence in the profession.

The Committee next considered whether to suspend you from the register. Having given the matter careful consideration, the Committee concluded that a period of suspension would not be sufficient to address the serious misconduct that the Committee has found. The Committee considers that your repeated inappropriate conduct towards numerous female colleagues, including a finding of you touching the area of Person 3's clitoris, connotes a harmful and deep-seated professional attitudinal deficiency. The Committee finds your conduct, including sexual conduct, amounts to a serious and sustained departure from proper professional standards of conduct and behaviour, and a blatant abuse of your trusted and respected position as a dentist within the immediate dental team in which you worked and as part of the wider profession. In the Committee's judgment there continues to be a risk of serious harm as a result of the shortcomings in your remediation of and insight into your conduct. The Committee finds that a period of suspended registration would not sufficiently meet the need to protect the public and safeguard the wider public interests referred to above, and in particular would not be enough to maintain trust and confidence in the profession and uphold proper professional standards of conduct and behaviour in the particularly serious circumstances of this case.

The Committee has therefore determined that erasure from the register is the only appropriate and proportionate sanction to impose in the particular circumstances of this serious case. The Committee is cognisant of the effect that such a direction will have on you, but it considers that any lesser sanction would not be sufficient to protect the public and the wider public interest.

The Committee hereby directs that your name be erased from the Register.

Existing interim order

In accordance with Rule 21 (3) of the General Dental Council (Fitness to Practise) Rules 2006 and section 27B (9) of the Dentists Act 1984 (as amended) the interim order of conditions in place on your registration is hereby revoked.

Immediate order of suspension

The Committee now invites submissions as to whether your registration should be made subject to an immediate order of suspension pending the substantive direction of erasure taking effect.”

Determination on immediate order – 22 November 2022

Having directed that your name be erased from the register, the Committee invited submissions as to whether it should impose an order for your immediate suspension in accordance with section 30 (1) of the Dentists Act 1984 (as amended).

The Committee has heard the submissions of Ms Udom on behalf of the GDC that an immediate order is necessary to protect the public and is otherwise in the public interest. Mr Rogers on your behalf submitted that an immediate order is not required. The Committee has accepted the advice of the Legal Adviser.

In all the circumstances, the Committee considers that an immediate order of suspension is necessary to protect the public and is otherwise in the public interest. The Committee has decided that, given the risks that it has identified, it would not be appropriate to permit you to practise before the substantive direction of erasure takes effect. The Committee considers that an immediate order for suspension is proportionate, and is consistent with the findings that it has set out in its determination.

The effect of the foregoing determination and this immediate order is that your registration will be suspended from the date on which notice of this decision is deemed served upon you. Unless you exercise your right of appeal, the substantive direction of erasure will be recorded in the register 28 days from the date of deemed service. Should you decide to exercise your right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.

That concludes this case.”