

**Registrations Appeal Committee**  
**Appeal hearing****28 October 2024****Name:** CHAOUACHI, Leila**Case number:** CAS-208102-M5L1X0

---

**General Dental Council:** Abimbola Johnson, Counsel  
Instructed by Zara Gull, IHLPS**Appellant:** Present and unrepresented

---

**Decision:** Appeal dismissed

---

**Committee members:** Helen Baker (Chair, dental member)  
Jane Reynolds (Lay member)  
Pooja Pattni (Dental Care Professional member)**Legal adviser:** Margaret Obi**Committee Secretary:** Sara Page

Ms Chaouachi,

1. At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.
2. This Registrations Appeal Committee (RAC) has convened in accordance with the '*General Dental Council (Registration Appeals) Rules 2006*' ('the Appeal Rules'), pursuant to Schedule 2A of the '*Dentists Act 1984*' (as amended) ('the Act').
3. The purpose of the hearing is to consider your appeal against the decision taken by the GDC's Registrar to your application for re-entry to the register as a dental nurse.
4. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.
5. You were present at the hearing and unrepresented.
6. Ms Abimbola Johnson, Counsel, appeared as case presenter on behalf of the GDC.

#### **Application for the hearing to be held partly in private**

7. During the course of the hearing, Ms Johnson made an application under Rule 53 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules') that this hearing be held partly in private. She stated that in addressing the matters before the Committee today, reference may be made to aspects of your personal and private life.
8. The Committee bore in mind that, as a starting point, hearings should be conducted in public session. However, having regard to the information before it, the Committee was satisfied that your personal interests outweighed the public interest in this case and reference to your private and family life should be heard in private session.
9. The Committee therefore acceded to Ms Johnson's application.

#### **Background**

10. You were first registered with the Council as a dental nurse on 17 October 2019 and were removed from the register on 3 August 2021, due to non-payment of the Annual Retention Fee ('ARF'). Your application for restoration was received by the Council on 3 June 2024.
11. As required in section 3 of the application form, you indicated you had been convicted of a criminal offence. Your application included details of three offences, along with the periods of disqualification you received for the following offences:
  - '*Dangerous driving*' (Convicted 9 August 2023).
  - '*Driving or attempting to drive with drug level above the specified limit*' (Convicted 19 January 2024); and
  - '*Using vehicle uninsured against third party risks*' (Convicted 13 March 2024).

12. On 14 June 2024, the Council wrote to you requesting further information regarding your conviction/caution declaration. The Council requested the date of the incident(s), the circumstances behind the incident(s) and what led to it occurring, clarification of what the consequences were (if any), how you felt about the incident(s) at the time, how you felt about the incident(s) now and whether there had been any further incident(s), and a copy of your most recent 'Disclosure & Barring Service' ('DBS') certificate. A deadline of 28 June 2024 was given to you to provide this information.
13. On 23 June 2024, you emailed the Council, providing the requested information. You expressed that you felt *"gutted"* about each incident, and explained that:
  - a) In the first incident, although a member of the public reported you for dangerous driving, you believed your driving was not unsafe but were advised to plead guilty;
  - b) Regarding the second incident, which you clarified occurred before the first, you mentioned that after returning from Amsterdam, you felt fine to drive but was randomly stopped by the police. You described it as *"unfortunate they felt I shouldn't have been driving"*;
  - c) For the third incident, you simply expressed regret. When asked about your feelings regarding your previous convictions, you stated you feel *"fine now"* and noted that there have been no further incidents. You also requested an extension for the deadline of your DBS certificate; and
  - d) You also provided evidence of your offences, namely, screenshots of your criminal history printout.
14. On 26 June 2024, you sought an extension for your DBS check. You noted that you could not provide a specific timeframe for the results because while 85% of DBS applications are processed within five working days, there was a possibility of delays beyond this. You expressed your eagerness to return to the register and said you were actively working to provide all requested information. The Council confirmed a new deadline of 12 July 2024 to submit the DBS certificate.
15. On 10 July 2024, you contacted the Council to provide an update on your DBS certificate and requested an additional extension. You indicated that, after checking the status of your application, you did not expect the DBS to be completed by the Council's extended deadline. You included a screenshot showing the status of your application.
16. On 11 July 2024, the Council informed you that the deadline for submitting the DBS certificate was extended to 26 July 2024. The Council also noted that this would be the final extension granted.
17. On 25 July 2024, you contacted the Council and sought a further extension for the DBS certificate, attaching a photo of the tracking information. You asked if you could submit a photo of the certificate once it arrived and emphasised that the delivery process was beyond your control. On the same day, you provided photos of the DBS certificate.
18. On 26 July 2024, the Council wrote to you, requesting that you send the original DBS certificate by post. On the same date, you wrote to the Council and asked for the DBS certificate to be returned once received by the Council as you would need to provide it to your workplace.

19. On 31 July 2024, the Council wrote to you confirming receipt of the DBS certificate and to advise all evidence is being processed and it may take some time for this matter to conclude, however, you would be provided with updates. On the same date, the Registration Caseworker completed a referral of application to manager form, including details of the driving disqualifications, screenshots containing conviction details and a copy of the DBS certificate.
20. On 6 August 2024, the internal emails attaching the completed referral of application to manager form (and accompanying documents) were sent to the Associate Director of Registration. On the same date, the Associate Director to Registration agreed via email with the proposed decision to refuse your application for restoration as *'the drug use, driving whilst disqualified in a short period has not shown great insight or remorse for the offending'*.
21. On 7 August 2024, the Council wrote to you to notify you that the Registrar had refused your application for restoration of your registration. On the same day, you filed a Notice of Appeal, appealing the Registrar's decision.

### **Submissions**

22. Ms Johnson, on behalf of the GDC, submitted that the only matter under consideration in this appeal is whether you can be considered *"of good character"* pursuant to Section 36C(6)(b) of the Act. In this regard, she referred the Committee to the Professional Standards Authority ('PSA') guidance (referred to hereafter as 'the PSA Guidance') on the approach to good character across the UK health professions regulators.
23. Ms Johnson stated that the PSA identified four key elements which it believes forms a basis on which consideration of the requirement of good character can be approached. These key elements include where an applicant has acted, or there is reason to believe they are liable in future to act:
  - a) *in such a way that puts at risk the health, safety or well-being of patients or other members of the public;*
  - b) *in such a way that her/his registration would undermine public confidence in the profession;*
  - c) *in such a way that indicates an unwillingness to act in accordance with the standards of the profession;*
  - d) *in a dishonest manner.*
24. At paragraph 2.4 of the PSA Guidance, the PSA suggested a starting point for understanding good character which the Committee may wish to adopt. Here it states:

*"Having regard to the individual's entire character and antecedents, would the right-thinking member of the public with full knowledge of the (proven) facts and matters regard him as being of good character for the purposes of registration as a dental practitioner or would the registration of that individual in the light of his known character be such as to bring the profession into disrepute?"*
25. Ms Johnson stated that the Council is satisfied that you qualify for registration under the provisions of section 36C(1)(a) and 36C(2) of the Act by holding the appropriate qualifications and also by possessing the requisite knowledge and skill to practise as a member of the profession. Therefore, the Committee must today consider whether you have taken accountability of your previous actions by sufficiently demonstrating remorse and insight. She submitted that you have been convicted of three separate driving offences, one of which was committed whilst you were subject to court-ordered instructions, and in the absence of

appropriate insight and remorse, you present both public protection and public interest concerns.

26. Ms Johnson submitted that there appeared to be a number of inconsistencies in your account regarding the details of the offences and convictions and invited the Committee to consider these in its decision-making today. She also submitted there are three occasions and three offences where there is a lack of important details provided in your application and to consider whether you have been suitably open and transparent regarding the details of your convictions. Ms Johnson also invited the Committee to consider whether you have demonstrated an appropriate level of reflection regarding the impact on the public, including the wider public interest, and not just the impact these incidents have had on your life.
27. You stated that you appreciated the opportunity to address the Committee today. You started by expressing your remorse for your driving convictions [PRIVATE]. You apologised for your emotional state and explained that talking about that time in your life is difficult for you.
28. Through questioning by Ms Johnson, you gave a detailed and thorough background to the events that led to the three convictions. You told the Committee that you were not happy with your life and job at that time of the three offences, and that the issues began approximately two years before the convictions. [PRIVATE]. You said that the convictions took place within the same year that you had been moving between locations and, whilst you emphasised that you were not making any attempt to excuse your behaviour, outside of this time in your life you have *“never been the sort of person to break the law”*.
29. You told the Committee that you now take full responsibility for your past actions and wish that you have behaved differently. [PRIVATE]. You apologised for your choice of words in your application, stating that you had not been able to truly express your regret and remorse because you did not want to *“sugar-coat”* your actions and minimise them in any way.
30. You stated that since that time, you have made significant changes to your life, including moving to Manchester in June 2024 where you have family nearby, [PRIVATE], which you stated has helped you feel more supported and stable. You confirmed that you are currently employed as a dental practice manager and are very happy there, particularly as you have career progression opportunities and a supportive employer and colleagues. You also confirmed that since early 2024, you have not smoked cannabis [PRIVATE] and are willing to undertake any testing requirements.
31. Having considered the GDC’s Standards for the dental team (‘the Standards’), you indicated which ones were affected by your convictions. You stated that you acknowledge how your actions negatively impacted the public’s confidence in you as a practitioner and that the nature of your convictions could place the public at risk of harm. You also confirmed that you have learned from this situation and how you have continued to maintain your skills and knowledge.
32. You thanked the Committee for its time today. You said that you are being very open and honest and stated that your actions are more important than your words and apologised that you are not always able to explain yourself in the way you would wish to. You told the Committee that you are of good character and that you pride yourself in being a good person, having reflected on the situation and how your actions have impacted on other people. You stated that you deserve a second chance and gave the Committee your word that you would never put yourself in a situation like this again.

### **Committee’s decision on application**

33. In coming to its decision, the Committee considered all the evidence before it today. It took account of the submissions made by both parties and accepted the advice of the Legal Adviser.
34. In its consideration of the PSA Guidance, the Committee noted that you were convicted of three separate serious driving offences during a relatively short period of time. It bore in mind that the convictions for these offences came some time after the offences were committed and there was some confusion regarding the timeline of the offences. However, the Committee was in no doubt that your actions would have posed a real risk of harm to members of the public and that public interest would be adversely affected as a result.
35. In looking to the future, and whether there is a risk of repetition of similar behaviour, the Committee considered everything before it today. When questioned about the events that led to the offences, the Committee noted that you explained you were experiencing personal difficulties, [PRIVATE]. However, this was the extent of the explanation you provided for having committed the three serious driving offences. It took into account your explanation regarding your pleas to the offences, in particular that at the time of the first offence (dangerous driving), you were not certain of the particular part of the journey or incident that was being referred to by the police. You said that you therefore did not consider your driving to be dangerous and subsequently pled not guilty. However, upon being shown footage of the incident in question, you changed your plea to guilty. Whilst the Committee acknowledged this explanation, it did consider there to be a number of inconsistencies and some confusion regarding the actual sequence of events and whether you pled guilty on advice or upon viewing the material footage. The Committee bore in mind that, beyond your account, it had extremely limited information regarding the incident. In the course of the hearing, it was established that the third conviction was for driving whilst disqualified, rather than driving without insurance.
36. During the course of your evidence, it was clear to the Committee that you are genuinely remorseful for the offences, having apologised on a number of occasions. Despite you having demonstrated some insight into how your offences would impact upon public safety and the wider public interest, the Committee could not be satisfied that you have been able to sufficiently demonstrate a real understanding of the seriousness of the convictions and the impact these have on your professional registration. Whilst the Committee accepted that you are not represented today, it was clear that much of the information obtained from you during the course of your evidence was as a result of careful probing and sensitive questioning from Ms Johnson and the Committee. It acknowledged that despite the offence for driving under the influence of cannabis having occurred some time in 2022, you have continued to smoke cannabis until as recently as earlier this year. [PRIVATE].
37. You were also unable to reassure the Committee that you have an understanding of the breaches of the law you have committed and how these have resulted in breaches of the GDC's Standards.
38. On this basis, the Committee could not be confident that you have a sufficient level of insight into your conduct that would adequately minimise the risk of repetition in the future. It was the Committee's opinion that an informed member of the public would consider that the convictions are very recent, that you disregarded the law three times in a relatively short period of time, and that all three convictions are similar, relating to serious motoring offences. In the absence of identification of how your convictions impact upon your professional requirements, an informed member of the public would be shocked and surprised should you be permitted to return to the Register at this time and would undermine public confidence in the GDC and its regulatory function.

39. In all the particular circumstances of this case, the Committee was satisfied that public confidence would be undermined if your appeal were to be allowed and that your personal interests in being permitted to re-register are outweighed by the wider public interest.
40. Therefore, the Committee determined to dismiss your appeal for registration in the Dental Care Professionals Register.
41. This will be confirmed to you in writing, in accordance with the Act.
42. That concludes this determination.