

Hearing held in public

Summary

Name:	TAYLOR, Rachael Elizabeth [Registration number: 167356]
Type of case:	Professional Conduct Committee (review)
Outcome:	Suspended indefinitely
Date:	5 May 2023
Case number:	CAS-181747

This is a resumed hearing of Ms Taylor's case before the Professional Conduct Committee (PCC), pursuant to section 27C of the *Dentists Act 1984 (as amended)* ('the Act').

The hearing is being conducted remotely by Microsoft Teams video-link in line with the current practice of the General Dental Council (GDC).

The purpose of the hearing has been to review a substantive order of suspension currently in place on Ms Taylor's registration. Neither party is present today, following a request made by the GDC for the review to take place on the papers. The Committee received written submissions from the GDC.

The Committee first considered the issues of service and proceeding in the absence of Ms Taylor, and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

Decision on service

The Committee considered whether notice of the hearing had been served on Ms Taylor in accordance with Rules 28 and 65 of the *General Dental Council (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), and section 50A of the Act.

The Committee received from the GDC a hearing bundle and written submissions. The hearing bundle contained a copy of the Notice of Hearing, dated 4 April 2023 ('the notice'), which was sent to Ms Taylor's registered address by Special Delivery. The Committee took into account that there is no requirement within the Rules for the GDC to prove receipt of the notice, only that it was sent.

A copy of the notice was also sent to Ms Taylor on 4 April 2023 as an attachment within a secure email.

The Committee was satisfied that the notice sent to Ms Taylor complied with the 28-day notice period required by the Rules. It was further satisfied that the notice contained all the required particulars, including the date and time of this hearing, confirmation that it would be held remotely by video-link on Microsoft Teams, and that the Committee had the power to proceed with the hearing in her absence.

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

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

The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Ms Taylor, and any representative for either party. It approached this issue with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones [2003] 1 AC 1HL*, and as explained in *General Medical Council v Adeogba; General Medical Council v Visvardis [2016] EWCA Civ 162*.

The Committee remained mindful that fairness to Ms Taylor was an important consideration, but it also took into account the need to be fair to the GDC. The Committee had regard to the email from the Registrant dated 25 April 2023 in response to the notice, where she states “*I am unsure as to what I need to put before the committee. I haven’t been dental nursing for years now as this has been on going. The mistake I made was 8 years ago .Other than the committee understanding that people can change, and people make mistakes in their passed. I am unsure what else I need to put forward.*” It also had regards to the GDC’s written submissions in which it invited the Committee to exercise its discretion to proceed. The Committee further had regard to the public interest in the expeditious review of the current order on Ms Taylor’s registration.

The Committee determined that it would be appropriate to proceed in the absence of Ms Taylor. The Committee is mindful of the public interest in seeing an expeditious review of her suspension, particularly given its imminent expiry. Ms Taylor has not requested an adjournment of these proceedings and the Committee received no information to indicate that an adjournment today may secure her attendance on a future date, given her lack of attendance at all previous PCC hearings. The Committee considers that the GDC has made every effort to secure Ms Taylor’s attendance, and that she has voluntarily absented herself. In the circumstances the Committee was content to proceed in Ms Taylor’s absence, and for the hearing to take place on the papers.

Background to Ms Taylor’s case

Ms Taylor’s case was first considered by a PCC at a hearing in March 2018. Ms Taylor did not attend that hearing nor was she represented in her absence. At the initial hearing, the Committee found proved that “*Ms Taylor, a dental nurse, self-prescribed a dangerous medication, forged the signature of the dentist she was working with on the prescription form, failed to cooperate with the GDC’s investigations and informed the GDC that she had sent information which had been requested when she had not. It also found proved that her actions in self-prescribing and forging a signature were dishonest and outside the scope of her practise as a dental nurse. Ms Taylor’s actions in claiming that she had sent information to the GDC which she had not sent were misleading and dishonest.*” That Committee was satisfied that the facts found proved were serious and amounted to misconduct.

That Committee considered that Ms Taylor showed some insight into her misconduct. However, Ms Taylor had not demonstrated an understanding of the impact of her behaviour on her colleagues and on the reputation of the profession. That Committee concluded that the misconduct had not been remedied and therefore there is a possibility of repetition of similar conduct in the future and a risk to the public. That Committee determined that the misconduct found proved currently impaired Ms Taylor’s fitness to practise.

Furthermore, in relation to the public interest, the initial Committee determined that public confidence in the profession would be greatly undermined if a finding of impairment was not

made in light of the misconduct found in this case. It therefore determined that a finding of impairment was required in the public interest to uphold and maintain professional standards.

The initial Committee directed the suspension of Ms Taylor's registration for a period of 12 months. It also directed a review of her case shortly before the end of that 12-month period. That Committee considered that the reviewing Committee may be assisted in receiving the following:

- *Reflective writing that focuses on the charges found proved*
- *Insight into the consequences of the misconduct*
- *An understanding of the role of the regulatory body in maintaining and upholding standards of the profession."*

First PCC Review April 2019

A PCC reviewed Ms Taylor's case at a resumed hearing held on 01 April 2019. Ms Taylor did not attend and was not represented. The Committee continued to be concerned about the risk of repetition and decided that a finding of current impairment was necessary for the protection of the public. The Committee also decided that public confidence in the dental profession would be undermined if such a finding were not made in the circumstances of this case.

The Committee in April 2019 directed that the order of suspension in place on Ms Taylor's registration should be extended by a period of 12 months. It also directed a further review of her case shortly before the end of that 12-month period. The Committee considered that a reviewing Committee would be assisted by the points made at the initial hearing.

Second PCC Review April 2020

A PCC reviewed Ms Taylor's case at a resumed hearing held on 08 April 2020. The hearing was held remotely via Skype and Ms Taylor was in attendance and represented herself.

The Committee in April 2020 considered that Ms Taylor demonstrated limited insight and that there was an absence any significant evidence of remediation to show that Ms Taylor had addressed the findings of the initial Committee. The Committee concluded that serious concerns remain and decided that a finding of current impairment was necessary for the protection of the public. The Committee also decided that public confidence in the dental profession would be undermined if such a finding were not made in the circumstances of this case.

The Committee determined to revoke the suspension order and replace it with an order of conditions. The Committee noted that Ms Taylor had started to engage with proceedings and was keen to return to practice as a dental nurse. It considered that workable conditions could be formulated which would be sufficient to protect the public, satisfy the public interest considerations, and permit Ms Taylor to continue to develop her insight and demonstrate remediation whilst adequately supervised. The order of conditions was for a period of 12 months with a review.

Third PCC Review 2021

A PCC reviewed Ms Taylor's case at a resumed hearing held on 23 April 2021. Ms Taylor did not attend and was not represented. The Committee considered that Ms Taylor demonstrated a continuing lack of insight and a lack of understanding of the relevance of the conditions which were imposed to guide her in mitigating her failings. The Committee concluded that there remained a risk of repetition in the absence of any evidence from Ms Taylor and a finding

of current impairment was required to protect the public. The Committee was of the view that a finding of current impairment was also in the public interest in order to maintain public confidence and uphold the standards of the profession. It was also of the view that a fully informed member of the public aware of the initial findings made and the absence of any evidence of remediation or insight from Ms Taylor, would be concerned if a finding of current impairment was not made.

The Committee considered whether to continue the conditional registration on Ms Taylor's registration. It was of the view that due to the lack of engagement, the absence of any evidence of remediation and insight, the evidence of Ms Taylor's lack of understanding of the role of the GDC as a regulator and her breach of condition 9, conditions were no longer workable, inadequate to provide public protection and insufficient to address the initial findings made against Ms Taylor. The Committee concluded that suspension was the appropriate restriction to impose on Ms Taylor's registration. It considered that a 12-month period with a review was appropriate.

The Committee considered that a reviewing Committee may be assisted by receiving a reflective statement commenting on the following areas:

- *the professional standards of GDC registrants,*
- *the role of the regulatory body,*
- *consequences and impact of the registrant's misconduct, specifically working outside her scope of practice, and dishonesty."*

Fourth PCC Review 2022

A PCC reviewed Ms Taylor's case at a resumed hearing held on 12 May 2022. Ms Taylor did not attend and was not represented.

That Committee considered that Ms Taylor had failed to demonstrate any insight and that there was an absence any significant evidence of remediation to show that Ms Taylor had addressed the findings of the initial Committee. The Committee concluded that serious concerns remain and decided that a finding of current impairment was necessary for the protection of the public. The Committee also decided that public confidence in the dental profession would be undermined if such a finding were not made in the circumstances of this case.

That Committee directed that the order of suspension in place on Ms Taylor's registration should be extended by a period of 12 months. It also directed a further review of her case shortly before the end of that 12-month period. The Committee considered that a reviewing Committee would be assisted by the points made at the initial hearing.

Today's review

Today is the fifth review of the order of suspension. In comprehensively reviewing the case today, the Committee considered all the evidence presented to it. It took account of the written submissions provided by the GDC. The Committee accepted the advice of the Legal Adviser. Apart from the email referred to above dated 25 April 2023 to the GDC, no submissions were provided by Ms Taylor.

In its written submissions, the GDC submits that there is no evidence to show any material change in position since the initial hearing in March 2018. There has been no meaningful engagement from Ms Taylor, there was no evidence before the previous Committees that her

failings had been addressed and there continues to be no evidence submitted by Ms Taylor demonstrating her remediation and insight. For these reasons the GDC submits that Ms Taylor's fitness to practise remains impaired. In relation to sanction, the GDC invites the Committee to impose an indefinite suspension on Ms Taylor's registration.

Decision on impairment

In considering whether Ms Taylor's fitness to practise is currently impaired the Committee bore in mind that this was a matter for its own independent judgement. It also had regard to its duty to protect the public, declare and uphold proper standards of conduct and competence and maintain public confidence in the profession. The Committee accepted the advice of the Legal Adviser.

The Committee went on to consider whether Ms Taylor's fitness to practise remains impaired. It bore in mind that at a review hearing there is a persuasive burden on the registrant to demonstrate that their fitness to practise is no longer impaired. There is no evidence before this Committee that Ms Taylor has addressed her past misconduct or provided any information as recommended to her by the initial Committee in March 2018 or the subsequent reviewing Committees'. Ms Taylor has not provided any information to demonstrate any evidence of insight or remediation. The Committee noted that the misconduct concerns identified are serious and wide ranging. In these circumstances, the Committee considers that there remains a risk that Ms Taylor could repeat the dishonest misconduct identified and thus she remains a risk to the public. It also notes that Ms Taylor has not fully engaged with the GDC in relation to these proceedings over a protracted period of time, despite repeated attempts by the GDC to secure her involvement. To date, there is no evidence or insight nor remediation from the Registrant. The Committee considers that confidence in the profession and in the regulator would be undermined if a finding of impairment were not made.

Accordingly, the Committee has determined that Ms Taylor's fitness to practise remains impaired.

Sanction

The Committee next considered what direction, if any, to make. It has had regard to the GDC's "Guidance for the Practice Committees including Indicative Sanctions Guidance" (Effective October 2016, revised December 2020).

The Committee has borne in mind the principle of proportionality, balancing the public interest against Ms Taylor's own interests. The public interest includes the protection of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct and performance within the profession.

The Committee first considered whether it would be appropriate to allow the current order to lapse at its expiry or to terminate it with immediate effect. The Committee determined that it would not be appropriate to terminate the current order or to allow it to lapse, given Ms Taylor's failure to demonstrate sufficient insight or remedial steps in respect of the dishonest misconduct identified. Terminating the suspension order would neither protect the public nor satisfy the wider public interest considerations in this case.

The Committee next considered whether a period of conditional registration would be appropriate in this case. The Committee bore in mind that, to date, Ms Taylor has not meaningfully engaged with the GDC or provided any evidence of remediation, despite being given ample opportunity to do so. In these circumstances, given Ms Taylor's lack of engagement in these proceedings, the Committee could not identify any conditions of practice which could be formulated to be workable, measurable and proportionate. There was no evidence to suggest that Ms Taylor would be able or willing to engage with conditions; indeed she has failed to adhere to a set of conditions imposed by a previous Committee, and in

addition her lack of engagement with these proceedings does not give this Committee confidence that she would be likely to adhere to conditions in the future.

In the Committee's judgment, the continued suspension of Ms Taylor's registration remains necessary and proportionate. There is no information before the Committee to indicate that she will engage in these proceedings within the next 12 months: any reviewing Committee is unlikely to be in any different a position from that of the Committee today and to the previous reviewing Committee.

There is nothing to suggest that a reviewing Committee would be in any different position in 12 months (the maximum fixed period of suspension the Committee can direct). This is because Ms Taylor is currently not engaging in these proceedings. There had previously only been limited engagement from her. Since 2018 she has repeatedly failed to demonstrate any adequate evidence of remediation. Further, mindful of the time and expense involved in regulatory proceedings, the Committee is satisfied that the only proportionate and appropriate sanction is an order of indefinite suspension.

Accordingly, the Committee gives a direction for indefinite suspension of her registration.

That concludes this determination.