

Hearing held in public

Summary

Name:	SHARPLES, Pamela Marie [Registration number: 124183]
Type of case:	Professional Conduct Committee (review)
Outcome:	Suspended indefinitely
Date:	29 June 2023
Case number:	CAS-192038-M3Y3K2

1. This was a review hearing before the Professional Conduct Committee (PCC) in accordance with Section 36Q of the Dentists Act 1984 (as amended) ('the Act'). The purpose of this hearing has been for this PCC to review Ms Sharples' case and determine what action to take in relation to her registration.
2. Neither Ms Sharples nor any representative acting on her behalf attended the hearing. In its written submissions, the General Dental Council (GDC) stated that it would be appropriate for the hearing to proceed in the absence of the parties and on the papers.

Decision on Service of the Notice of Hearing

3. The Committee first considered whether notice of the hearing had been served on Ms Sharples in accordance with Rules 28 and 65 of the GDC's Fitness to Practise Rules 2006 ('the Rules') and Section 50A of the Dentists Act 1984 (as amended) ('the Act'). The Committee received from the GDC a hearing bundle, which contained a copy of the Notice of Hearing ('the notice'), dated 22 May 2023, thereby complying with the 28-day notice period. The hearing bundle also contained a Royal Mail 'Track and Trace' receipt confirming that the notice was sent to Ms Sharples' registered address by Special Delivery. A copy of the notice was also sent by first-class post and emailed to Ms Sharples.
4. The Committee was satisfied that the notice sent to Ms Sharples contained proper notification of today's hearing, including its time, date and that it will be taking place remotely, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in

Ms Sharples' absence.

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

Decision on Proceeding in the Registrant's Absence and on the Papers

6. The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Ms Sharples. The Committee approached the issue of proceeding in absence 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 the cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis [2016] EWCA Civ 162*. It remained mindful of the need to be fair to both Ms Sharples and the GDC, taking into account the public interest and Ms Sharples' own interests in the expeditious review of the suspension order imposed.
7. It first concluded that all reasonable efforts had been taken to send the notification of hearing to Ms Sharples in accordance with the Rules. It noted that evidence was provided of the delivery of the notice of hearing to Ms Sharples' registered address on 24 May 2023. There has been no response from Ms Sharples in relation to the notice and there has been no request for an adjournment. The Committee concluded that Ms Sharples has voluntarily absented herself from today's hearing and that adjourning the hearing would be unlikely to secure her attendance. The Committee also bore in mind that there is a statutory requirement for the suspension order to be reviewed before its expiry. Therefore, the Committee determined that it was fair and appropriate to proceed with the hearing in the absence of Ms Sharples and to conduct the hearing on the papers.

Background

8. Ms Sharples' case was first considered by a PCC at a hearing in June 2021. Ms Sharples did not attend that hearing and was not legally represented in her absence. At the initial hearing, that Committee heard that the GDC received a complaint from MyDentist ("*the Practice*") on 29 November 2018. The complaint indicated that the Practice had carried out an investigation into allegations that Ms Sharples had stolen money from the Practice. The allegations related to petty cash allocated for the staff Christmas parties in

2017 and 2018. During interviews conducted at the Practice, Ms Sharples denied the allegations and later resigned.

9. That Committee determined that Ms Sharples misled and dishonestly appropriated money from the Practice, which amounted to misconduct.
10. That Committee then considered whether Ms Sharples' fitness to practise was impaired as a result of her misconduct. That Committee stated:

"...Ms Sharples' misconduct was such that it had the potential to place colleagues at future unwarranted risk of harm, which includes financial harm. Whilst the Committee recognises there has been no patient harm in this case, it considered that Ms Sharples poses an indirect risk to patient safety as honesty is an integral aspect of safe practice. Ms Sharples' conduct has brought the profession into disrepute and breached a fundamental professional tenet in acting dishonestly.

...

Furthermore, the Committee determined that a finding of impairment is necessary in the wider public interest to maintain public confidence and uphold proper standards of conduct and behaviour. Ms Sharples has breached fundamental standards required by the GDC and the Committee was unable to identify any evidence of insight into this serious matter. The Committee considered that public confidence in the dental profession and in the GDC as regulator would be undermined if a finding of impairment in relation to misconduct were not made in the circumstances of this case. As a Dental Care Professional, Ms Sharples is in a privileged position by virtue of her professional status. Patients, employers, colleagues and the public should be able to rely on a registrant's professionalism. Ms Sharples was under a professional duty to adhere to the GDC's standards. The Committee has therefore determined that Ms Sharples' fitness to practise is currently impaired by reason of her misconduct."

11. That Committee determined that Ms Sharples' registration be suspended for a period of 12 months and that it should be reviewed prior to its expiry. It further stated that a reviewing Committee may be assisted by the following:

"Evidence of her meaningful engagement with the GDC including her attendance at the review hearing.

A detailed reflective statement demonstrating her insight into and understanding of the finding of her dishonesty and its impact on confidence in her and the dental profession.

Testimonials and references provided by managers and/or colleagues including paid or voluntary employment.”

12. Ms Sharples' case was reviewed at a PCC hearing on 31 May 2022. Ms Sharples did not attend this hearing and was not represented. That Committee noted that Ms Sharples had not meaningfully engaged with the GDC in relation to these proceedings over a protracted period of time. That Committee determined that Ms Sharples' fitness to practise remained impaired given its concerns regarding her lack of insight and remediation. That Committee therefore determined to extend Ms Sharples' suspension for a further 12 months with a review. That Committee also re-iterated the recommendations made by the substantive Committee regarding the evidence that Ms Sharples may wish to provide to a further reviewing Committee to show that she has remedied the shortcomings identified.

Today's Review

13. This Committee has comprehensively reviewed Ms Sharples' case today. In doing so, it has considered all the evidence presented to it. It has taken account of the written submissions of the GDC. No written submissions or documentary evidence was received from, or on behalf of, Ms Sharples. The Committee also heard and accepted the advice of the Legal Adviser. The Committee had regard to the GDC's Guidance for the Practice Committees, including Indicative Sanctions Guidance (October 2016, updated December 2020) ("the Guidance").
14. In its written submissions, the GDC stated that there has been no material change since the last hearing as Ms Sharples has not engaged with the GDC and not provided the evidence recommended by the PCC at the substantive and review hearings. The GDC submitted that Ms Sharples' fitness to practise remains impaired by reason of her misconduct, and that the most appropriate and proportionate sanction would be one of indefinite suspension.

Decision on Impairment

15. In reaching its decision on whether Ms Sharples' fitness to practise remains impaired, the Committee exercised its independent judgement. It had regard to the over-arching objective of the GDC, namely: the protection, promotion and maintenance of the health, safety and well-being of the public; the

promotion and maintenance of public confidence in the dental profession; and the promotion and maintenance of proper professional standards and conduct for the members of the dental profession.

16. The Committee noted that at the initial hearing Ms Sharples was found to have acted dishonestly by stealing money that had been allocated for staff Christmas parties in 2017 and 2018 at the practice where she worked. The Committee considered this to be a serious finding as she had breached a fundamental tenet of the dental profession in acting dishonestly. The Committee noted that there has been no material change in the case since the initial hearing and that Ms Sharples has not engaged with the GDC in respect of these proceedings since July 2019. Ms Sharples has provided no evidence with regard to any remediation, remorse or insight into her misconduct. The Committee therefore concluded that the risk that she would repeat the misconduct remained and that she would continue to pose an indirect risk to patient safety as identified at the substantive hearing.
17. Accordingly, it has determined that Ms Sharples' fitness to practise remains impaired by reason of misconduct.

Decision on Sanction

18. The Committee next considered what sanction to impose on Ms Sharples' registration.
19. The Committee has found that Ms Sharples' fitness to practise remains impaired. In these circumstances, the Committee concluded that terminating the current suspension order would not be appropriate or sufficient for the protection of the public.
20. The Committee next considered whether to replace the current suspension order with one of conditions. In so doing, it considered that Ms Sharples has not engaged with these proceedings or provided any evidence to address the concerns identified. In these circumstances, the Committee was satisfied that conditions were not appropriate, workable or sufficient for this case.
21. The Committee considered that it was necessary to maintain the current suspension in order to protect the public and safeguard public confidence in the dental profession. However, the Committee considered that it would not be in the public interest for the suspension to be subject to a review in 12 months' time as Ms Sharples has not engaged with these proceedings since July 2019 and it seems highly unlikely that she will do so in future. The

Committee considered that further reviews of Ms Sharples' suspension would be unlikely to serve any purpose.

22. Accordingly, the Committee directed that Ms Sharples' registration be indefinitely suspended. It was satisfied that the provisions of Section 36Q(1)(d)(i) and (ii) of the Act were met. It noted that this direction meant that a review of the order could only take place if Ms Sharples requests a review and a minimum of two years has elapsed since this direction takes effect. Given that Ms Sharples has been given ample opportunity to remediate and show insight into her misconduct but has not done so, it was satisfied that this direction was appropriate and proportionate.
23. Ms Sharples will have 28 days, from the date that notice is deemed to have been served upon her, to appeal this Committee's direction. Unless Ms Sharples exercises his right of appeal, his registration will be suspended indefinitely from the date on which the direction takes effect.
24. That concludes this hearing.