

ON PAPERS

Professional Conduct Committee Review Hearing

11 September 2025

Name: ROSE, Lana Diane Margaret

Registration number: 281696

Case number: CAS-202414-X2X3X6

General Dental Council: Lowri Hopkins of IHLPS

Registrant: Unrepresented

Fitness to practise: Impaired by reason of misconduct

Outcome: Suspension extended (with a review)

Duration: 12 months

Committee members: Jane Everitt (Chair and lay member)
Samantha Snoad (Dental Care Professional)
Melissa Oura (Dentist)

Legal adviser: Alastair McFarlane

Committee Secretary: Jamie Barge

1. This is a resumed hearing of Miss Rose's case before the Professional Conduct Committee (PCC) pursuant to section 36Q of the *Dentists Act 1984 (as amended)* ('the Act').
2. The hearing is being conducted remotely by Microsoft Teams video-link.

Purpose of the hearing

3. The purpose of the hearing has been to review a substantive order of suspension currently in place on Miss Rose's registration.
4. Neither party is present today, following a proposal by the GDC that the hearing to take place on the papers. The Committee received written submissions from the General Dental Council (GDC). No written submissions were provided from or on behalf of Miss Rose.

Service and proceeding

5. The Committee first considered the issues of service and proceeding in the absence of Miss Rose and any representatives for either party. It accepted the advice of the Legal Adviser on these matters.

Decision on service

6. The Committee considered whether notice of the hearing had been served on Miss Rose in accordance with Rules 28 and 65 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), and section 50A of the Act.
7. The Committee had before it a PCC Review hearing bundle which contained a copy of the Notice of Hearing, dated 11 August 2025 ('the notice'). The notice was sent to Miss Rose's registered address by Special Delivery and First Class post with proof of posting provided.
8. The Committee took into account that there is no requirement within the Rules for the GDC to prove delivery of the notice, only that it was sent. However, the Royal Mail 'Track and Trace' receipt, also provided, confirmed that attempted delivery of the notice sent by Special Delivery was made on 12 and 13 August 2025 but without success.
9. The Committee further noted that on 11 August 2025, copies of the notice were sent by way of attachments within secure emails to Miss Rose. An attempted telephone conference by the GDC to Miss Rose was made on 27 August 2025. No contact has been made with the Registrant.
10. The Committee was satisfied that the notice sent to Miss Rose 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 the hearing, that it was intended that the hearing would take place remotely and on the papers. Miss Rose was also advised that the Committee had the power to proceed with the hearing in her absence.
11. On the basis of all the information provided, the Committee was satisfied that notice of the hearing had been served on Miss Rose 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

12. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Miss Rose, 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 [2002] UKHL 5*, and as affirmed in the joined regulatory cases of *General Medical Council v Adeogba* and *General Medical Council v Visvardis [2016] EWCA Civ 162*.

13. The Committee remained mindful that fairness to Miss Rose was an important consideration, but it also took into account the need to be fair to the GDC. The Committee further considered the public interest in the expeditious review of the current order on Miss Rose's registration.

14. In its written submissions dated August 2025 provided in respect of this hearing, the GDC submitted that "...*The Council submits that it is in the public interest to proceed with the hearing as listed. The Council further submits that there would be little benefit in adjourning the hearing as there is no indication that the Registrant will engage with the proceedings, given the lack of engagement so far*".

15. Given the indication received from the GDC, the Committee considered that adjourning the hearing would serve no meaningful purpose. Miss Rose has history of minimal engagement with the GDC and she has not requested an adjournment on her behalf, and the Committee received no information to suggest that deferring today's hearing would secure Miss Rose's attendance on a future date. It was satisfied that her absence is voluntary.

16. The Committee took into account that it had a statutory duty to review the substantive order of suspension currently on Miss Rose's registration, which is due to expire in September 2025. The Committee considered that without good reason for an adjournment, today's hearing should go ahead as scheduled.

17. In all the circumstances, the Committee was satisfied that it was fair and in the public interest to proceed with the hearing on the papers in the absence of both parties.

Case background

Initial hearing – 23 September 2024

18. Miss Rose's case was first considered by the PCC at a hearing held in September 2024. She was not present at that hearing nor legally represented. The initial PCC considered and found proved allegations relating to a failure to cooperate with the General Dental Council's investigation into her fitness to practice, and a failure to maintain a correct and up to date registered address.

19. In considering whether the facts found proved against Miss Rose amounted to misconduct, the PCC in September 2024 stated the following in its determination:

"The Committee considered Miss Rose's non-cooperation to be attitudinal in nature rather than being the result of extenuating personal circumstances. Her two emails to the GDC in December 2022 and January 2023 show that she was capable of responding to the GDC on her own terms and that she was aware of its attempts to contact her as part of its investigation into her fitness to practise. She chose not to engage with the GDC beyond indicating that she was no longer contactable at her registered address (without providing an updated address) and stating that she was too busy to attend to the GDC's correspondence. Her behaviour

would be regarded as deplorable by fellow members of the profession and was capable of bringing the profession into disrepute.”

20. The initial PCC went on to determine that Miss Rose’s fitness to practise was impaired by reason of her misconduct on both public protection and wider public interest grounds. It stated in its decision on impairment that:

“...The Committee determined that Miss Rose’s misconduct is remediable but that there is no evidence whatsoever of any insight or remediation. She has not engaged in these proceedings and shows no evidence of insight or remorse. She had chosen not to cooperate with the GDC as part of its investigation into her fitness to practise. She was focused only on her own needs, preferences and interests, rather than on the role of the regulator to investigate the concerns which had been raised, to protect the public and maintain public confidence in the profession. She has shown a wilful disregard for the role of the GDC, prioritising her own needs over her professional obligations.

In those circumstances, the Committee could not be satisfied that the risk of repetition is low. The Committee considered there to be a real risk of repetition and therefore a risk of harm to the public and to the reputation of the profession. Further, public confidence in the profession and its reputation would be undermined if no finding of impairment were to be made to mark the seriousness of Miss Rose’s misconduct.

Accordingly, the Committee determined that Miss Rose’s fitness to practise as a dental nurse is currently impaired by reason of misconduct”.

21. The initial PCC imposed an order of suspension on Miss Rose’s registration for a period of 12 months, with an immediate order. It also directed that a review of the order should be conducted shortly before the expiry of the 12-month period.

Today’s resumed hearing – 11 September 2025

22. This is the first review of the substantive order of suspension first imposed on Miss Rose’s registration in September 2024. In comprehensively reviewing the order today, the Committee considered all the evidence provided. The Committee accepted the advice of the Legal Adviser.

23. In its written submissions the GDC submitted that:

“The Registrant has not engaged despite multiple efforts made by the Council and despite the recommendations set out by the Committee. Those being that the Registrant should engage in the process and attend the review hearing. The Council submits that there is no evidence to show any material change in position since the last hearing in September 2024. The Council submits that to revoke the current suspension order would not adequately protect the public nor maintain the public’s confidence in the dental profession. 56. With this in mind, the Council respectfully submits that the Registrant’s fitness to practise remains to be impaired and that an extension of the Suspension Order for a further 12 months with a review, is required, to allow further time for the Registrant to engage with the Council and to show insight into her behaviour and attitude.

24. No written submissions were received from or on behalf of Miss Rose.

Decision on impairment

25. The Committee considered whether Miss Rose's fitness to practise remains impaired by reason of her misconduct. In doing so, it exercised its independent judgement. It had regard to the over-arching objective of the GDC, which is: 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.

26. The Committee took into account that the failings that led to Miss Rose's misconduct and the original finding of impairment were due to a lack of cooperation with her regulatory body. Miss Rose's failure to cooperate with the GDC's investigation into her fitness to practise represented a serious breach of fundamental professional standards. The Committee bore in mind that at this review, the persuasive burden is upon Miss Rose to demonstrate that she has addressed her past impairment.

27. The Committee took into account that the findings made against Miss Rose by the initial PCC were serious. This Committee noted and agreed with the assessment of the previous Committee that the shortcomings identified are remediable.

28. The Committee has determined that Miss Rose's fitness to practise remains impaired. The Committee has not been provided with any information to suggest that Miss Rose has taken any steps to develop insight into and remediation of her misconduct, or indeed that she intends to do so in the future. She has not engaged at the initial hearing nor for this review hearing. There appears to be a pattern of non-engagement by the Registrant. Miss Rose has not provided any evidence of insight or remorse. The Committee therefore considers, given a risk of repetition has been identified, that the public is still at real risk of harm, and that Miss Rose's fitness to practise remains impaired.

29. The Committee also considers that a finding of current impairment is again needed to maintain public trust and confidence in the profession and declare and uphold proper professional standards of conduct and behaviour. The Committee considers that a reasonable and informed observer would be concerned to note the findings of the Committee which considered this case in September 2024, and would consider that a finding of impaired fitness to practise is again required given the continued non-engagement in the past year and the lack of information from Miss Rose to suggest that she has reflected upon, has insight into, and has remedied, her misconduct.

30. Accordingly, the Committee determined that Miss Rose's fitness to practise is currently impaired by reason of her misconduct.

Decision on sanction

31. The Committee next considered what action to take in respect of Miss Rose's registration. It had regard to section 36Q (1) of the Act, which sets out the options available to it at this review. The Committee also took into account the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016; last revised December 2020)*'. It noted that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect the public and the wider public interest. The Committee applied the principle of proportionality, balancing the public interest with Miss Rose's own interests.

32. The Committee next considered whether it would be appropriate to revoke the suspension, or to replace the suspension with a direction of conditional registration.

33. The Committee considered that revoking the suspension would not meet the ongoing public protection and public interest considerations and would have the effect of placing the public at unwarranted risk of harm and would undermine trust and confidence in the profession.

34. The Committee next considered whether it could formulate conditions which would be workable and which would address the ongoing risks. The Committee concluded that it could not formulate any conditions which would be practicable or appropriate, particularly given Miss Rose's lack of substantive engagement with these proceedings. The Committee considers that the public, and the public interest, would be at considerable risk of harm were the suspension to be revoked and replaced by a period of conditional registration.

35. The Committee then went on to consider whether it would be appropriate to extend the current period of suspension. The Committee concluded that it would be appropriate and proportionate to extend the suspension for a period of 12 months, with a review hearing to take place prior to the end of that extended period of suspension. It recognises the seriousness of the misconduct found in this case, and in the Committee's judgment a lesser period of time would not be sufficient for Miss Rose to commence and complete the process of remediation, should she be minded to do so.

36. The Committee hereby directs that Miss Rose's suspension be extended for 12 months, with a review hearing to take place prior to the end of the extended period of suspension. This extended period of suspension will take effect from the date on which the existing period of suspension would otherwise expire.

Subsequent review and recommendations

37. Although the Committee in no way wishes to bind or fetter the next Committee which will review this extended period of suspension, it considers that it would be assisted by her engagement as well as a written personal reflective piece on the importance of adhering to the standards of her regulatory body and the need cooperate and engage with them at all times.

Right of appeal

38. Miss Rose will have 28 days from the date on which notice of this decision is deemed to have been served on her to appeal against this decision. Should she decide to appeal, the existing direction of suspension will remain in force until the resolution of any such appeal. Should she decide not to appeal, the current suspension will take effect on the date on which it would otherwise expire.

39. That concludes this determination.