

ON PAPERS

Interim Orders Committee Review Hearing

15 April 2024

Name: COSWAY, Amanda
Registration number: 162566
Case number: CAS-204908-P6C4L5

General Dental Council: Holly Watt, IHLPS
Registrant: Unrepresented

Outcome: Interim suspension confirmed
Duration: For the remainder of the current order

Committee members: Andrea Hammond (Chair, Dental Care Professional member)
Hall Graham (Dentist member)
Jim Hurden (Lay member)

Legal adviser: Alain Gogarty

Committee Secretary: Sara Page

1. The role of the Interim Orders Committee (IOC) is to undertake a risk assessment based on the information before it. Its role is to assess the nature and substance of any risk to the public in all the circumstances of the case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the registrant's own interests to impose an interim order on their registration. It is not the role of the IOC to make findings of fact in relation to any charge. That is the role of a differently constituted committee at a later stage in the process.
2. Neither party was present at today's hearing, following a request for the review of the interim order to be conducted on the papers. The hearing was conducted remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.
3. In the absence of both parties, the Committee first considered the issues of service and whether to proceed with the hearing in the absence of Ms Cosway and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

Decision on service of Notice of Hearing

4. The Committee was informed at the start of this hearing that Ms Cosway was neither present nor represented at today's hearing.
5. In her absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Ms Cosway in accordance with Rules 35 and 65 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules').
6. The Committee had regard to the indexed hearing bundle of 36 pages, which contained a copy of the Notice, dated 3 April 2024. The Notice was sent to Ms Cosway's registered address by Special Delivery on 3 April 2024, in accordance with Section 50A of the '*Dentists Act 1984*' (as amended) ('the Act') and via email on the same date.
7. The Committee was satisfied that the Notice contained proper and correct information relating to today's hearing. This included the time, date and that it is being conducted remotely via Microsoft Teams, as well as notification that the Committee has the power to proceed with the hearing in Ms Cosway's absence.
8. Whilst it is not a requirement of the Rules, the Committee had sight of an extract from the Royal Mail 'Track and Trace' service which showed the item was delivered to Ms Cosway's registered address on 4 April 2024. It was signed for against the printed name of 'COSIGAN'.
9. In light of the information available, the Committee was satisfied that Ms Cosway has been served with proper notification of this hearing, within a reasonable period of time, in accordance with the Rules.

Decision on whether to proceed in the absence of Ms Cosway and on the papers

10. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Ms Cosway and any representative for either party. The Committee was mindful that the discretion to proceed in the absence of Ms Cosway must be exercised with the utmost care and caution. The Legal Adviser reminded the Committee of the requirement to be fair to both parties, as well as considering the public interest in the expeditious review of this case.
11. The Committee noted the email from Ms Cosway, dated 9 April 2024, which stated: "*I am confirming I will not be attending the hearing.*"

12. The Committee bore in mind that today's hearing has been arranged as there is a statutory requirement for an interim order to be reviewed within six months of its imposition. It noted that no application for an adjournment had been made by Ms Cosway and there was information before the Committee that she will not be attending today's review and therefore consented to it being conducted on the papers.
13. In all these circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Ms Cosway and any representatives for either party.

Background

14. Ms Cosway's case was first considered by the IOC on 31 October 2023, when it determined to impose an interim suspension order for a period of 14 months on the ground of public interest alone.
15. The concerns were summarised at the initial hearing as follows:

"The Council received information in December 2019 from your former employer ('the Informant') which raised probity concerns about you. The Informant explained that you had been dismissed from the practice following a disciplinary hearing in September 2019, where you had admitted to stealing alginate and impression trays from the practice, stealing whitening gel and taking impressions for yourself.

You were reported to Gwent Police on the grounds of theft of dental materials and misappropriation of practice funds. The Council placed all three cases on hold pending the outcome of the police enquiries. After a lengthy investigation, you were convicted of theft by employee on 15 August 2023 at Newport Magistrates Court and sentenced, to a 12-month Community Order, with an unpaid work requirement of 110 hours. The Court also ordered that you pay compensation in the amount of £210. You had not informed the Council of this conviction.

On 23 August 2023, the Council notified you of the concerns raised by email and requested current employment and indemnity information. No response has been received.

On 07 September 2023, the Council sent a chaser letter by email and by recorded delivery to your registered address. Your registered address is listed as the practice where you were dismissed and the letter was returned to the Council with an alternative address for you.

On 18 September 2023, the Council sent a chaser letter by email and by recorded delivery to the [sic] your alternative address. No response has been received."

16. This is the first review of this order. The order is due to expire on 2 January 2025.

Submissions

17. In its written submissions, the GDC invited the Committee to continue the interim suspension order. It submitted that there has been no material change in circumstances since the imposition of the order that would necessitate an amendment to the current interim order of suspension.
18. The GDC confirmed that the matter was assessed on 9 October 2023 and a decision was made to refer the matter to the Case Examiners. On 5 January 2024, Ms Cosway emailed the GDC requesting removal from the register and providing her comments on her conviction, suggesting that Ms Cosway has deliberately not been engaging with the GDC's investigation. Ms Cosway has failed to respond to multiple requests for information about her employment and the details of her indemnity insurance. Further, her conviction is one of dishonesty and she failed to inform the GDC of the conviction until her email dated 5 January 2024. Ms Cosway remains subject to a community order until 14 August 2024.
19. As a result, the GDC submitted that an interim order continues to be necessary in the public interest.
20. Ms Cosway has not provided any written submissions for consideration by the Committee for the purpose of today's review.

Decision on review

21. In reviewing this order, the Committee considered all the documentation contained within the hearings bundle, as well as the written submissions made. The Committee had regard to the GDC's document, '*GDC Fitness to Practise: Guidance for the Interim Orders Committee (December 2023)*' and accepted the advice of the Legal Adviser. The Committee bore in mind its overarching objectives to protect, promote and maintain the health, safety and well-being of the public; to promote and maintain public confidence in the dental and dental care professions; and to promote and maintain proper professional standards and conduct for members of the dental and dental care professions.
22. The Committee agreed with the initial IOC that an interim order is not necessary on the ground of public protection.
23. The Committee next considered whether an interim order is still required on the ground of public interest in order to maintain confidence in the profession and the GDC as its regulator.
24. The Committee considered that the allegations against Ms Cosway are serious, including a conviction for theft. The Committee noted that Ms Cosway continues not to engage with the GDC and there has been no material change in circumstances since the imposition of the order. On the basis of the information before it, an informed member of the public would be shocked and surprised to learn that Ms Cosway had been permitted to practise without restriction whilst the GDC's investigation was ongoing.
25. Therefore, the Committee determined that an interim order is necessary on the ground of public interest.
26. Having determined an interim order is necessary in the circumstances, the Committee must impose the minimum restriction on Ms Cosway's registration in order to address the public interest concerns identified.
27. In considering the type of order required, the Committee has applied the principle of proportionality, balancing the public interest with Ms Cosway's own interests.

28. The Committee bore in mind that Ms Cosway has written to the GDC to request removal from the register, despite the ongoing investigation. She is not currently working within the dental profession and therefore the formulation of conditions would be unworkable as they would not be able to be monitored. In addition, the Committee took into account that it would be difficult to formulate conditions that would adequately address public interest concerns and the dishonest conduct that led to her conviction.
29. In this regard, the Committee was satisfied that the current interim suspension order remained the appropriate and proportionate order for the same reasons as those stated by the IOC at the initial hearing, dated 31 October 2023.
30. The Committee notes that the continuation of this interim suspension order prevents Ms Cosway from practising as a dental nurse pending the GDC's investigation into the allegations. However, given the serious nature of the allegations against Ms Cosway, the Committee is satisfied that the wider public interest outweighs her own interests.
31. The interim suspension order will continue for the remainder of the current order.

Review of the order

32. Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative hearing within the next six months. The Committee will be invited by the GDC to confirm the order and Ms Cosway will be asked whether there are any written submissions to be put before the Committee on her behalf. Ms Cosway will then be notified of the outcome in writing following the decision of the Committee.
33. Alternatively, Ms Cosway is entitled to have the interim order reviewed at an oral hearing. This means that she will be able to attend and make representations, send a representative on her behalf or submit written representations about whether the order continues to be necessary. Ms Cosway must inform the GDC if she would like the interim order to be reviewed at a hearing.
34. Even if Ms Cosway does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked, varied or replaced, the Committee will review the order at a hearing to which she and any representative will be invited to attend.
35. Notification of this decision will be served upon Ms Cosway in accordance with the Act.
36. That concludes this determination.