

HEARING HELD IN PRIVATE**Health Committee
Review Hearing****28 March 2024****Name:** BOWDEN, Alison Mary**Registration number:** 202241**Case number:** CAS-197351

General Dental Council: Holly Watt, IHLPS**Registrant:** Not present

Fitness to practise: Impaired by reason of health**Outcome:** Suspended indefinitely**Duration:** N/A**Immediate order:** N/A

Committee members: Marnie Hayward (Dental Care Professional) (Chair)
Miranda Carruthers-Watt (Lay)
Amit Gadhavi (Dentist)**Legal adviser:** Paul Moulder**Committee Secretary:** Gareth Llewellyn

At this hearing the Committee made a determination that includes some private information. That information has been omitted from this public version of the determination, and that document has been marked to show where private material has been removed.

1. Neither party is present at this resumed hearing of the Health Committee (HC). The hearing is being conducted remotely using Microsoft Teams in line with current practice. The GDC has invited the Committee to conduct the hearing on the papers in the absence of both parties.

Purpose of hearing

2. The purpose of today's hearing is to review a substantive direction of suspension first imposed on Ms Bowden's registration by the HC on 16 March 2022. The hearing is being held in accordance with section 27C of the Dentists Act 1984 (as amended) ('the Act').

Service

3. The Committee first considered whether service has been properly effected in accordance with the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules').
4. The Committee noted that on 8 February 2024 a notice of hearing was sent to Ms Bowden's registered address in accordance with Rule 28 of the Rules. The notice was sent by Royal Mail Special Delivery. Copies of the notice were also sent by first class post and email. The notice set out the date and time of the hearing, as well as confirming the remote nature of the hearing and the powers available to the Committee. The Royal Mail's Track and Trace service records that the notice was delivered on the morning of 9 February 2024.
5. The Committee accepted the advice provided by the Legal Adviser. Having regard to the GDC's submissions and the evidence placed before it the Committee was satisfied that service was effected in accordance with the Rules.

Proceeding in absence

6. The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Ms Bowden in accordance with Rule 54 of the Rules. It was mindful that its discretion to proceed in the absence of a registrant must be exercised with the utmost care and caution. The Committee notes that the GDC has invited the Committee to proceed in the absence of Ms Bowden and to conduct the hearing on the papers alone.
7. The Committee accepted the advice of the Legal Adviser. It determined that it was fair and appropriate to proceed on the papers alone in the absence of both parties. The Committee considers that Ms Bowden has voluntarily absented herself and an adjournment, which has not been requested, would be unlikely to secure her attendance. The Committee is also mindful of the public interest in an expeditious consideration of this case, particularly in light of the imminent expiry of the extant suspension on 17 April 2024.

Application to proceed in private

8. In its written submissions the GDC made an application under Rule 53 of the Rules for the hearing to be held wholly in private given that the case relates to Ms Bowden's health. Having accepted the advice of the Legal Adviser, the Committee decided to accede to the application for the reasons advanced by the GDC. The hearing was therefore held in private.

Existing order

9. In March 2022 the HC considered allegations relating to Ms Bowden's fitness to practise. The Committee found that Ms Bowden's fitness to practise was impaired on the grounds of adverse health. The Committee also determined that a finding of impairment was further required in the public interest.

IN PRIVATE

10. [text omitted].

IN PUBLIC

11. Having determined that Ms Bowden's fitness to practise was impaired by reason of adverse health, the Committee went on to determine what sanction, if any, to impose. The Committee determined to suspend Ms Bowden's registration for a period of 12 months, with a review hearing to take place prior to the end of that period of suspended registration. The Committee also made recommendations as to the steps that Ms Bowden may wish to take prior to the review of her suspension.

IN PRIVATE

12. [text omitted].

IN PUBLIC

13. The direction of suspension was reviewed by the HC on 3 April 2023. At that hearing the Committee determined that Ms Bowden's fitness to practise remained impaired by reason of her adverse health, and that it would be appropriate to extend the period of suspended registration by 12 months, with a review hearing to take place prior to the end of that period of suspended registration. The Committee also again made recommendations as to the steps that Ms Bowden may wish to take prior to the review of her suspension.

14. It falls to this Committee to review the extant suspension.

Evidence

15. The Committee has, amongst other documents, received updated medical reports about Ms Bowden.

IN PRIVATE

16. [text omitted].

IN PUBLIC

Submissions

17. In its written submissions the GDC submitted that Ms Bowden's fitness to practise remains impaired, and that, in the circumstances of Ms Bowden not engaging with these proceedings, it would be appropriate and proportionate for the Committee to direct that her name be indefinitely suspended from the register.

Committee's determination

18. The Committee has carefully considered all the information presented to it, including the written documentation and submissions provided by the GDC. In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, updated December 2020). The Committee has accepted the advice of the Legal Adviser.

Impairment

19. The Committee has considered whether Ms Bowden's fitness to practise remains impaired by reason of her adverse health. In doing so, it has exercised its independent judgment. Throughout its deliberations, it has borne in mind that its primary duty is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.
20. The Committee has determined that Ms Bowden's fitness to practise remains impaired.

IN PRIVATE

21. [text omitted].

IN PUBLIC**Sanction**

22. The Committee considered whether it would be appropriate to revoke the suspension, or to replace the suspension with a direction of conditional registration.
23. 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.
24. 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 conditions which would be practicable and workable in the particular circumstances of this case. Ms Bowden is continuing to not engage with these proceedings, which compounds the difficulty of identifying workable conditions. 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.
25. The Committee then went on to consider whether it would be appropriate to extend the current period of suspension.
26. The Committee concluded that a further defined period of suspension is unlikely to serve any meaningful purpose. Ms Bowden has not engaged in these proceedings for a considerable period of time. The Committee noted that the statutory requirements for indefinite suspension were met. In light of Ms Bowden's longstanding and ongoing lack of engagement, the Committee considers that indefinite suspension is the appropriate and proportionate outcome. This direction is also in the public interest and potentially in Ms Bowden's interests, given the time and expense incurred by further reviews which do not appear to achieve any meaningful purpose in light of Ms Bowden's continued lack of engagement.

27. The Committee hereby directs that Ms Bowden's registration be suspended indefinitely in accordance with section 27C (1) (d) of the Act.

Subsequent reviews

28. This direction may be reviewed in accordance with the provisions of section 27C (4) of the Act. More particularly, Ms Bowden may, after two years have elapsed from the date on which this direction of indefinite suspension takes effect, ask for the indefinite suspension to be reviewed.

Right of appeal

29. Ms Bowden 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, that is to say on 17 April 2024, in accordance with section 33 (3) of the Act.
30. That concludes this case for today.