

**PRIVATE HEARING
Health Committee
Initial Hearing**

8 – 10 September 2025

Name: JOHNSON-SMITH, Philip

Registration number: 283887

Case number: CAS-197399

General Dental Council: Mr Tom Stevens, Counsel
Instructed by Clare Hastie, Kingsley Napley

Registrant: Not present or represented

Fitness to practise: Impaired by reason of health

Outcome: Conditions imposed with immediate conditions (with a review)

Duration: 12 months

Immediate order: Immediate conditions of practice order

Committee members: Clive Powell (Chair, Lay Member)
Gemma Forsythe (Dental Care Professional Member)
Hemash Shah (Dentist Member)

Legal adviser: Angus Macpherson

Committee Secretary: Jenny Hazell

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 this public document has been marked to show where private material has been removed.

1. This is a Health Committee hearing in respect of Mr Johnson-Smith. The hearing is being conducted remotely by Microsoft Teams video-link.
2. Mr Johnson-Smith is not present or represented at the hearing. The Case Presenter for the General Dental Council (GDC) is Mr Stevens, Counsel.

Preliminary matter – declaration of interest – 8 September 2025

3. In advance of the hearing commencing the dentist member of the Committee had advised the hearing team by email that he noticed a possible conflict with one of the witnesses (Witness 1) when reading the bundle. He advised that Witness 1 supervised him approximately 12 years ago and Witness 1 also wrote a Foreword for a book which he (the Committee member) edited. The book was published over two years ago and the Committee member had not had any verbal contact with Witness 1 in the last twelve years. The matter was raised before parties at the start of the hearing. The Committee member confirmed that he had had no contact with Witness 1 in relation to this case.
4. Mr Stevens confirmed that he had been made aware of this possible conflict by those instructing him. He confirmed that the GDC did not consider that the Committee member's continuance on this hearing impacted on the fairness of proceedings since it concerns a remote association in the context of a health case where Witness 1's evidence is not key to the factual matters in this case.
5. The Committee had regard to the advice of the legal adviser on this matter. He endorsed the approach offered by the GDC and said there was no likelihood that the public would conclude that the Committee member was biased.
6. The Committee, having heard the submissions made by Mr Stevens and accepted the advice of the Legal Adviser, was satisfied that there is no perceived conflict in this case. It was satisfied that it was appropriate for the hearing to continue with the current dentist member being a member of the Committee.

Application to proceed with the hearing in the absence of the registrant – 8 September 2025

7. At the outset, Mr Stevens made an application pursuant to Rules 54 of the *GDC (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), to proceed with the hearing notwithstanding Mr Johnson-Smith's absence.
8. Mr Stevens drew the Committee's attention to the GDC's bundle of documents in respect of service. He invited the Committee to conclude that Mr Johnson-Smith had been properly served notice of these proceedings and to determine that the hearing should proceed in his absence.
9. The Committee took account of Mr Stevens's submissions and the supporting documentation provided. It accepted the advice of the Legal Adviser in relation to service and proceeding with a hearing in the absence of a registrant.

Decision on service – 8 September 2025

10. The Committee considered whether the notice of the hearing had been served on Mr Johnson-Smith in accordance with Rules 13 and 65. It had sight of the Notice of Hearing dated 18 July 2025 ('the notice'), which was sent to Mr Johnson-Smith's registered address by Special Delivery and First-Class post.

11. 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 Committee had before it a Royal Mail 'Track and Trace' receipt, which confirmed that the copy of the notice sent by Special Delivery was delivered and signed for in the name of 'Smith' on 22 July 2025.

12. The Committee also noted that on 21 July 2025 the GDC emailed a copy of the notice to Mr Johnson-Smith's email address as well as to the MDU's email address (Mr Johnson-Smith's legal representatives).

13. The Committee was satisfied that the notice sent to Mr Johnson-Smith complied with the 28-day notice period specified in Rule 13. It was also satisfied that the notice contained all the required particulars required in Rule 13, including the date and time of the hearing, confirmation that the hearing would be conducted remotely by Microsoft Teams, and that the Committee had the power to proceed in Mr Johnson-Smith's absence.

14. On the basis of all the information provided, the Committee was satisfied that Mr Johnson-Smith was duly notified of the hearing in accordance with Rules 13 and 65.

Decision on whether to proceed with the hearing in the absence of the registrant – 8 September 2025

15. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Johnson-Smith. It approached this issue with the utmost care and caution. The Committee took account of 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 subsequent regulatory cases, including *General Medical Council v Adeogba* [2016] EWCA Civ 162.

16. The Committee bore in mind that fairness to Mr Johnson-Smith is an important consideration. However, it was also mindful of the need to be fair to the GDC, and of the public interest, in the expeditious disposal of this case.

17. The Committee was satisfied that all reasonable efforts had been made by the GDC to notify Mr Johnson-Smith of this hearing. It took into account that the notice dated 18 July 2025 was sent and received at Mr Johnson-Smith's registered address, and a copy was sent to him by email. In addition, the Committee has had regard to the exchange of recent emails between the GDC and Mr Johnson-Smith's solicitor at the MDU regarding the Registrant's attendance at this hearing. In an email dated 29 July 2025 the solicitor advises that Mr Johnson-Smith will not be represented at the hearing. The email goes on to state "At this stage he has not reached a firm decision as to whether he will attend some of the hearing unrepresented. ... Please do provide the Teams link to join to him so that he can attend should he wish to do so."

18. On 3 September 2025 the GDC sent an email to the MDU, seeking further information as to whether there was any update regarding Mr Johnson-Smith's attendance at the hearing. By email dated 3 September 2025 the solicitor at MDU advised the GDC that she was not yet aware of whether Mr Johnson-Smith intended to attend for all or part of the hearing. She further advised that she had previously passed to Mr Johnson-Smith the contact details of the GDC's instructing solicitor in this case.

19. The Committee is satisfied that Mr Johnson-Smith is aware of today's hearing, given the nature of the email correspondence between the MDU to the GDC. It is also satisfied that the email address that was used to invite Mr Johnson-Smith to attend this hearing remotely via Microsoft Teams is the email address that has been used by the GDC on other occasions when contacting him. There is no information before the Committee regarding the reasons for Mr Johnson-Smith's non-attendance. He has not contacted the GDC to request an adjournment, and there has been no indication that deferring this hearing would secure his attendance on a future date. Accordingly, the Committee was satisfied that Mr Johnson-Smith has voluntarily absented himself from these proceedings.

20. As a registered dental professional Mr Johnson-Smith is under a duty to engage with his regulatory body. The Committee considered that he has been given every opportunity to do so. It therefore concluded that without good reason for deferring the matters, the hearing should proceed as scheduled. It has also borne in mind that the witnesses scheduled to give evidence at this hearing are available. It determined that it was fair and in the public interest to proceed with the hearing in Mr Johnson-Smith's absence.

Decision on application to hold the hearing in private – 8 September 2025

21. Mr Stevens made an application under Rule 53(2) for the entire hearing to be held in private given that the matters under consideration relate to Mr Johnson-Smith's health. As such, privacy is required for the protection of Mr Johnson-Smith's private and family life. Mr Stevens also submitted that Mr Johnson-Smith's rights under Article 8 of the Human Rights Act 1998 (right to respect private and family life) were engaged.

22. The Committee accepted the advice of the Legal Adviser. It took into account that justice should be administered in public unless one of the exceptions in Rule 53(2) applies. The Committee had regard to the nature of the matters to be considered at this hearing and it was satisfied that Rule 53(2)(a) is engaged. Accordingly, it accepted Mr Stevens' application that the entire hearing be held in private so as to protect Mr Johnson-Smith's private and family life.

Case background

23. This case concerns matters relating to Mr Johnson-Smith's health. The allegations against him are as follows:

That being a Registered Dentist:

*1. You have an adverse health condition, as specified in Schedule A**

And that, by reason of the above, your fitness to practice is impaired by reason of your health condition.

[PRIVATE]

24. Mr Stevens outlined the details of the complaint and referred to the evidence obtained by the GDC during its investigation of the matter.

25. Mr Johnson-Smith joined the register as a dentist on 1 July 2019. He applied for Dental Foundation Training (DFT) and was assigned via the National Recruitment process to Yorkshire and Humberside (HEE) Dental Foundation Programme.

26. **[PRIVATE]**.

27. Mr Johnson-Smith started his dental foundation training on 1 September 2019. The programme usually lasts 12 months. Mr Johnson-Smith was granted an extension of the foundation training. His DFT placement was suspended on 29 April 2021.

28. As a DFT Mr Johnson-Smith was responsible for the care of patients who would attend a General Dental Practice. He had two Educational Supervisors, Witness 2 and Witness 3, who oversaw his training. He had two Educational Supervisors because he moved practice after a year. Shortly into his training as a DFT concerns were raised about Mr Johnson-Smith's clinical skills. At the end of the first year the documentation within Mr Johnson-Smith's portfolio was reviewed. It was determined that Mr Johnson-Smith was not practising at a sufficient standard and therefore he could not be signed off as completing his foundation training. He was therefore assigned to a different dental practice under Witness 3's supervision so he could train in a new environment.

29. [PRIVATE].

30. [PRIVATE].

31. A decision was made that Mr Johnson-Smith should be suspended from clinical work. Mr Johnson-Smith was informed of this on 29 April 2021. On 21 May 2024, the Final Review of Competency Panel made a decision to end Mr Johnson-Smith's training. He was informed of this decision. Witness 1 reported Mr Johnson-Smith to the GDC in May 2021.

Evidence

32. The factual evidence provided to the Committee by the GDC comprised as follows:

- the signed witness statement dated 9 December 2024 of Postgraduate Dental Dean at NHSE WT & E Yorkshire and Humber (Witness 1) together with various exhibits;
- the witness statement of Witness 2 dated 3 December 2024;
- the witness statement of Witness 3 dated 3 December 2024;
- the witness statement of Witness 4 dated 9 December 2024 and
- medical evidence

33. [PRIVATE]

Findings of Fact – 9 September 2025

34. The Committee considered all the evidence presented to it, both documentary and oral. It took account of the submissions made by Mr Stevens on behalf of the GDC. The Committee accepted the advice of the Legal Adviser.

35. The Committee considered the factual allegations separately, bearing in mind that the burden of proof rests with the GDC and that the standard of proof is the civil standard, that is, whether the alleged matters are proved on the balance of probabilities. Mr Johnson-Smith need not prove anything.

36. The Committee made the following findings:

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|---|----------------------------------------------------------------------------------------------------------------------|
| 1 | <i>You have an adverse health condition, as specified in Schedule A.</i> Found proved [PRIVATE] [PRIVATE.] |
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37. The hearing moves to Stage Two.

Determination on current impairment and sanction – 10 September 2025

38. Following the handing down of the Committee's findings of fact, the hearing proceeded to stage two; that is to say current impairment and sanction.

39. The Committee has considered all the evidence presented to it. It has taken into account the submissions made by Mr Stevens on behalf of the GDC in accordance with Rule 20(1)(a). Throughout its deliberations the Committee has had regard to the GDC's "Guidance for the Practice Committees, including Indicative Sanctions Guidance" (the Guidance) (October 2016, updated December 2020). The Committee has accepted the advice of the Legal Adviser concerning its powers and the principles to which it should have regard.

Fitness to practise history

40. Mr Stevens confirmed that Mr Johnson-Smith has no fitness to practise history.

Summary of submissions

41. Mr Stevens submitted that a finding of impairment is required in this case in light of the adverse health condition, as specified in Schedule A. [PRIVATE].

42. Mr Stevens submitted that there is an inextricable link between the clinical concerns raised by Mr Johnson-Smith's Educational Supervisors whilst he was a dental foundation trainee from 2019 until 2021 and the health matters. [PRIVATE].

43. Mr Stevens submitted that Mr Johnson-Smith has not engaged with these proceedings and as a result there is no information before the Committee regarding the extent, if any, of his current insight into his health, or his ability to comply with conditions. Mr Stevens also referred to the fact that the clinical concerns persisted during his DFT training, notwithstanding that Mr Johnson-Smith's clinical work was under close supervision and reasonable adjustments were made.

44. Mr Stevens submitted that the appropriate and proportionate sanction in this case is an order of suspension for a period of 12 months, with a review. [PRIVATE].

Decision on current impairment

45. The Committee first considered whether Mr Johnson-Smith's fitness to practise is currently impaired by reason of his adverse health. It has asked itself the question whether Mr Johnson-Smith can practise safely and effectively without any restrictions on his registration. Throughout its deliberations, the Committee has borne in mind that its overarching objective is to protect the public, which includes the protection of patients and the wider public, the maintenance of public confidence in the profession and in the regulatory process, and the declaring and upholding of proper standards of conduct and behaviour.

46. The Committee has found proved that Mr Johnson-Smith has an adverse health condition, as specified in Schedule A. [PRIVATE].

47. [PRIVATE].

48. [PRIVATE].

49. The Committee noted the absence of any information regarding Mr Johnson-Smith's current circumstances. However, it considered that the facts it has found proved are sufficient to indicate a current risk. Taking all these factors into account, including the expert medical evidence, the Committee determined that Mr Johnson-Smith's fitness to practise is currently impaired by reason of his adverse health.

50. The Committee also concluded that public confidence in the dental profession would be undermined if a finding of impairment were not made. In its view, a fully informed member of the public, aware of all the facts, would be concerned if Mr Johnson-Smith were permitted to practise unrestricted. Accordingly, the Committee was satisfied that a finding of impairment is also required in the wider public interest.

Sanction

51. The Committee then determined what sanction, if any, is appropriate in light of its finding of current impairment by reason of Mr Johnson-Smith's adverse health. The Committee recognises that the purpose of a sanction is not to be punitive, although it may have such an effect, but is instead imposed to protect patients and safeguard the wider public interests.

52. In reaching its decision the Committee has kept in mind the GDC's Guidance. It has applied the principle of proportionality, balancing the public interest with Mr Johnson-Smith's own interests.

53. The Committee has considered the range of sanctions available to it, starting with the least restrictive. In the light of its findings, and the ongoing risks to the public identified, the Committee considers that taking no action, or issuing a reprimand, would not be sufficient in the particular circumstances of this case.

54. The Committee went on to consider whether to impose an order of conditional registration on Mr Johnson-Smith's registration. It has reminded itself that this is a health and not misconduct case. The Committee has borne in mind that at the time these concerns came to light Mr Johnson-Smith was engaged on his foundation training programme between September 2019 and 29 April 2021 at the point of Covid, which was making professional practice more challenging. It has taken some four years since the initial referral in May 2021 for Mr Johnson-Smith's case to get to a hearing.

55. From the information before the Committee, it would appear that there has been some level of engagement between Mr Johnson-Smith and his representatives and the GDC. [PRIVATE].

56. The Committee has considered carefully the opinions of both medical experts in terms of whether it would be appropriate for Mr Johnson-Smith's registration to be subject to conditions. [PRIVATE].

57. The Committee considered that its findings, based on the expert reports, are very much related to certain areas of dental practice. In the Committee's judgement, it was apparent from the expert testimony, that certain areas of dentistry potentially remain open to Mr Johnson-Smith. Taking this into account, the Committee is satisfied that it is possible to formulate a stringent set of conditions of practice that could manage the risk. In this regard, the Committee considers it would be necessary to restrict Mr Johnson-Smith from practising in operative dentistry. The Committee recognises that notwithstanding the adverse health condition, as specified in Schedule A, Mr Johnson-Smith may be safe to perform certain clinical roles consistent with the conditions.

58. The Committee has struck a balance in both protecting the public - which includes aspects of the wider public interest and affording Mr Johnson-Smith the opportunity to use his talents and training to pursue a possible alternative career within dentistry which would also be in the public interest. It recognises that it has not had the benefit of hearing from Mr Johnson-Smith. However, the Committee noted Mr Johnson-Smith's perseverance with his training and his willingness to comply with the measures introduced locally to assist him. Therefore, the Committee has decided, on balance, that it can be reasonably confident in Mr Johnson-Smith's capacity to comply with conditions.

59. Accordingly, the Committee directs that Mr Johnson-Smith's registration be made subject to an order of conditions. The period of conditional registration shall be for 12 months with a review prior to the expiry of that period. The conditions will appear against Mr Johnson-Smith's name in the Register are as follows:

1. He must work with a Postgraduate Dental Dean/Director (or a nominated deputy), to formulate a Personal Development Plan, specifically designed to address the deficiencies in the following areas of his practice: communication skills, examination, diagnosis and non-operative management.
2. He must meet with the Postgraduate Dental Dean/Director (or a nominated deputy), on a regular basis to discuss his progress towards achieving the aims set out in his Personal Development Plan. The frequency of his meetings is to be set by the Postgraduate Dental Dean/Director (or a nominated deputy).
3. He must allow the GDC to exchange information about the standard of his professional performance and his progress towards achieving the aims set out in his Personal Development Plan with the Postgraduate Dental Dean/Director (or a nominated deputy), and any other person involved in his retraining and supervision.
4. At any time that he is employed, or providing dental services, which require him to be registered with the GDC; he must place himself and remain under the supervision of an educational supervisor appointed by the Postgraduate Dental Dean/Director (or a nominated deputy).
5. He must work with the professionals involved in his care, to formulate a Personal Development Plan specifically designed to assist him in returning to unrestricted dental practice in non-operative fields. He must forward a copy of his Personal Development Plan to the GDC within 2 months of the date on which these conditions become effective.
6. He must notify the GDC promptly of any professional appointment he accepts and provide the contact details of his employer or any organisation for which he is contracted to provide dental services and the Commissioning Body on whose Dental Performers List he is included or Local Health Board if in Wales, Scotland or Northern Ireland.
7. He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services, and any Postgraduate Dental Dean/Director, reporter, workplace supervisor or educational supervisor referred to in these conditions.
8. At any time he is providing dental services, which require him to be registered with the GDC, he must agree to the appointment of a reporter nominated by him and approved by the GDC. The reporter shall be a GDC registrant.

9. He must allow the reporter to provide reports to the GDC at intervals of not more than 4 months and the GDC will make these reports available to any Postgraduate Dental Dean/Director, workplace supervisor or educational Supervisor referred to in these conditions.
10. He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.
11. He must inform the GDC if he applies for dental employment outside the UK.
12. At any time he is employed, or providing dental services, which require him to be registered with the GDC; he must place himself and remain under the *close supervision of a workplace supervisor nominated by him, and agreed by the GDC.
13. He must allow his workplace supervisor to provide reports to the GDC at intervals of not more than 4 months and the GDC will make these reports available to any Postgraduate Dean/Director or Educational Supervisor referred to in these conditions.
14. He must keep his professional commitments under review and limit his dental practice in accordance with his workplace supervisor's advice.
15. He shall not engage in single-handed dental practice and shall only work at premises where another GDC registrant is working at the same time as he is working and with whom he has made personal contact before he commences treatment of patients at each session.
16. He must confine his dental practice to National Health Service posts in the following areas: Oral medicine; Dental maxillofacial radiology; Oral and maxillofacial pathology or Dental public health.
17. He must not work as a locum or undertake any out-of-hours work or on-call duties without the prior agreement of the GDC.
18. He must refrain from carrying out operative aspects of dental practice, such as restorative dentistry and oral surgery, paediatric dentistry and orthodontics.
19. He must inform within a week the following parties that his registration is subject to the conditions, listed at (1) to (18), above:
 - Any organisation or person employing or contracting with him to undertake dental work
 - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application)
 - Any prospective employer (at the time of application)
 - The Commissioning Body on whose Dental Performers List he is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application)

** Closely supervised (condition 12): the workplace supervisor must supervise the registrant's day-to-day work in a way prescribed in the relevant condition or undertaking. The workplace supervisor must always be on site and available when the registrant is working. Where the workplace supervisor is unavailable through illness or planned absence, the registrant must not work unless an approved alternative workplace supervisor is in place.*

The workplace supervisor must review the registrant's work at least twice a week in one-to-one meetings using case-based discussions. These meetings must focus on all areas of concern identified by the conditions or undertakings. These meetings can be in person or via video conferencing.

20. He must permit the GDC to disclose the above conditions, (1) to (19), to any person requesting information about his registration status.

60. In addition, whilst not an enforceable condition, the Committee also recommends that Mr Johnson-Smith appoints a mentor. The GDC must be satisfied that the appointed mentor is an appropriate person.

61. The period of this order is for 12 months to allow Mr Johnson-Smith sufficient time in which to secure a suitable post and to demonstrate the changes in his practice. The Committee directs that this order be reviewed before its expiry, and Mr Johnson-Smith will be informed of the date and time in writing. The reviewing Committee would be assisted by Mr Johnson-Smith's attendance at the review, documentary evidence of any CPD undertaken during the currency of the conditions of practice order and his reflections on what steps he may need to take to improve aspects of his practice in line with the observations contained in [PRIVATE] report.

62. The Committee now invites submissions as to whether the conditions should take immediate effect to cover the 28-day appeal period.

Decision and reasons on immediate order – 10 September 2025

63. The interim order of suspension currently in place on Mr Johnson-Smith's registration is hereby revoked.

64. Mr Stevens made an application for an immediate order of conditions under section 30(2) of the Dentists Act 1984 to be imposed on Mr Johnson-Smith's registration. He submitted that in light of the risks identified by the Committee's regarding Mr Johnson-Smith's clinical practice, an immediate order of conditions is necessary on the grounds of public protection and wider public interest grounds. He also submitted that an immediate order of conditions is required in Mr Johnson-Smith's own interests given the health matters referred to in this case.

65. The Committee accepted the advice of the Legal Adviser, who drew its attention to the relevant statutory test for imposing an immediate order.

66. The Committee took account of its reasons for finding that Mr Johnson-Smith's fitness to practise is currently impaired and for directing that his registration be subject to conditions. Accordingly, the Committee is satisfied that the imposition of an immediate order of conditions on Mr Johnson-Smith's registration is necessary for the protection of the public and is otherwise in the public interest. It did not consider that an immediate order was necessary in Mr Johnson-Smith's own interests.

67. The Committee has identified an ongoing risk of harm to the public on account of the concerns raised in this case, and it considered that it would be inconsistent not to impose an immediate order of conditions on Mr Johnson-Smith's registration immediately.

68. The effect of the foregoing substantive determination and this order is that Mr Johnson-Smith's registration will be subject to the conditions set out in the Committee's substantive determination in this case. Unless Mr Johnson-Smith exercises his right of appeal, the substantive

12 month period of conditional registration will commence 28 days from when notification of the determination is served on him.

69. Should Mr Johnson-Smith exercise his right of appeal, this immediate order will remain in place until the resolution of the appeal.

70. That concludes this determination.

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