

**Hearing held in public**

**Summary**

<b>Name:</b>	<b>SERETTI, Fabio [Registration number: 162158]</b>
<b>Type of case:</b>	<b>Professional Conduct Committee (review)</b>
<b>Outcome:</b>	<b>Suspended indefinitely</b>
<b>Date:</b>	<b>30 April 2021</b>
<b>Case number:</b>	<b>CAS-182113</b>

This is a resumed hearing pursuant to s 36Q of the Dentists Act 1984. On 11 April 2019 the Professional Conduct Committee (PCC) found Mr Seretti's fitness to practise to be impaired by reason of his misconduct and directed that his registration be suspended for a period of the 12 months with a review, stating in its determination:

...Practising without indemnity for any period of time is a breach of the basic standards of the profession. It puts patients at risk of harm and undermines public trust and confidence in the dental profession. This was not an isolated incident, but this went on from 1 November 2015 to at least April 2016. During that period Mr Seretti provided dental services without having appropriate indemnity insurance in place. The Committee is of the view that Mr Seretti's conduct in relation to these matters would be regarded as deplorable by fellow members of the profession.

... Mr Seretti's failure to have appropriate indemnity cover in place between 1 November 2015 and at least April 2016 is serious. It is a substantial breach of a fundamental tenet of the profession. It puts patients at a real risk of financial harm and breaches the trust placed in Mr Seretti and the profession. Public confidence in the profession is seriously undermined by a dental technician practising without indemnity. The Committee considered the explanation Mr Seretti gave for his conduct. However, the Committee is of the view that there remains no doubt that Mr Seretti was entirely responsible for his failure to have appropriate indemnity in place when providing dental services. In short, if Mr Seretti did not have cover, he should not have been practising.

The Committee noted that Mr Seretti had not provided any evidence of any insight into his conduct. The Committee considered that there is an ongoing risk to the public in view of the fact that Mr Seretti has not provided evidence of any indemnity at the material time nor has he obtained it retrospectively. The Committee is of the view that there is no evidence that Mr Seretti understands the need for indemnity insurance.

Having regard to all of these matters, the Committee has determined that Mr Seretti's fitness to practise is currently impaired by reason of his misconduct. Mr Seretti continues to present a risk to members of the public. In addition, the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in these circumstances.

...The Committee directs that Mr Seretti's registration be suspended for a period of 12 months. The Committee is satisfied that this period of time is appropriate to mark the

seriousness of his misconduct and to send a message to the profession and the public that this type of conduct is not acceptable...

The PCC reviewed the suspension on 12 April 2020 and extended it for a further period of 12 months with a review, stating in its determination:

There has been a total lack of engagement from Mr Seretti since his initial hearing in April 2019. There is no evidence whatsoever of any insight, reflection or remediation. There is also no evidence before the Committee that he currently has any appropriate insurance or indemnity in place. There has been no change in circumstances since the initial hearing. Accordingly, the Committee is satisfied that Mr Seretti's fitness to practise as a dental technician continues to be impaired by reason of his misconduct.

In the Committee's judgment, a sanction remains necessary on Mr Seretti's registration to protect the public and to maintain public confidence in the profession and this regulatory process. There has been no engagement from him at all and there is therefore nothing to indicate that he would comply with any condition on his registration. There is also no evidence to that he will have appropriate insurance or indemnity in place if he were allowed to return to practice. The Committee determined that the suspension of his registration continues to be necessary and proportionate. There is nothing to suggest that Mr Seretti will engage in these proceedings in the foreseeable future. Accordingly, the Committee directs that the period of suspension be extended for a further period of 12 months with a review.

In directing the review, the April 2020 PCC stated:

A Committee reviewing Mr Seretti's case may find it helpful to receive the following:

- A reflective piece demonstrating Mr Seretti's insight and understanding of the impact of his conduct upon patients and the wider public.
- Evidence of up-to-date indemnity cover should Mr Seretti wish to return to practice.

It is the role of the Committee today to undertake the review directed by the April 2020 PCC.

#### *Service and absence*

Neither party was present at the hearing, which was conducted remotely using Microsoft Teams. In its written submissions dated 20 April 2021, the General Dental Council (GDC) asks for the review hearing to be conducted in the absence of the parties and for the suspension to be reviewed on the papers, submitting that Mr Seretti's fitness to practise continues to be impaired and that his registration should be suspended indefinitely:

30. ...there is no evidence to show any material change in position since the last hearing.

31. The Registrant has failed to engage with the Council despite repeated attempts to notify him of his review hearing. The Registrant has not provided the Council with any reflections or any evidence of appropriate insurance or indemnity cover/arrangements in place to allow him to return to practise.

32. For the reasons outlined above the Council submit that the Registrant's fitness to practise remains impaired by reason of misconduct.

37. ...The Council submit that there is no evidence to demonstrate that the Registrant now holds indemnity, has gained insight or has an understanding of the impact of his conduct upon patients and the public interest. The Council submit that this has remained the case since the Committee imposed the initial suspension order in April 2019. As such, it is the Council's view that the Registrant's fitness to practise remains impaired as per the reasons provided by the Committee at the last hearing.

38. Given the Registrant's continued lack of engagement since 2019 and no evidence of insight into his actions, it is submitted that the only appropriate order is one of indefinite suspension. The Council submit that a lesser sanction would not adequately protect patients' interests and would serve to undermine the public confidence in the profession.

The notification of hearing was sent to Mr Seretti at his registered address by Special Delivery on 16 March 2021. Royal Mail 'Track and Trace' records that the item was returned to sender on 9 April 2021. The Committee was satisfied that the notification contained the required information under Rule 28 of the General Dental Council (Fitness to Practise) Rules 2006 (the "Rules"), including the time, date and (remote) venue of this hearing; and that it had been served on Mr Seretti in accordance with the requirements of Rule 65, by virtue of it being posted to his registered address. Proof of delivery is not required for service to be effected under the Rules. The Committee next considered whether to proceed in the absence of Mr Seretti. This is a discretion which must be exercised with great care.

A copy of the notification of hearing was also sent to Mr Seretti by email on 16 March 2021. Further emails were sent by the GDC to Mr Seretti on 12 and 20 April 2021 regarding his attendance at this hearing. The Committee was satisfied that all reasonable efforts had been made by the GDC to notify Mr Seretti of this hearing.

There has been no response or other engagement from Mr Seretti regarding his attendance at this hearing. There has been no engagement from him regarding these proceedings. There is no application for an adjournment or a postponement and there is nothing to suggest that postponing the hearing would make Mr Seretti's attendance any more likely at a future date, owing to his complete lack of engagement in these proceedings. There is no evidence of any attempt or intention by him to engage in these proceedings. As a registered dental professional it is his duty to keep his contact details up to date with his regulatory body. Having regard to all the circumstances, including the need to review the suspension prior to its pending expiry, the Committee determined that it would be fair and in the public interest to proceed with the hearing, notwithstanding the absence of Mr Seretti. The Committee was also satisfied that it would be appropriate to also proceed in the absence of the GDC and to review the suspension on the basis of the papers and written submissions before the Committee.

#### *Decision on review*

The Committee accepted the advice of the Legal Adviser. The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016, revised December 2020).

The Committee first considered whether Mr Seretti's fitness to practise continues to be impaired by reason of the misconduct found by the April 2019 PCC.

There continues to be a total lack of engagement from Mr Seretti since his initial hearing in April 2019. There remains no evidence whatsoever of any insight, reflection or remediation. There has been no change in circumstance since the suspension was last reviewed in April 2020.

There continues to be no evidence before the Committee that Mr Seretti currently has any appropriate insurance or indemnity in place. Appropriate indemnity cover is a fundamental requirement of professional practice. There is nothing to suggest that Mr Seretti has reflected upon and acknowledges the fundamental importance of indemnity and the impact his failure to have maintained adequate indemnity had on patients and the reputation of the profession.

Accordingly, the Committee is satisfied that Mr Seretti's fitness to practise as a dental technician continues to be impaired by reason of his misconduct.

The Committee next considered what sanction, if any, to impose on Mr Seretti's registration. The Committee may revoke the suspension; replace the suspension with conditional

registration for a period of up to 36 months, with or without a review; direct that the suspension be extended for a further period of up to 12 months, with or without a review; or direct that Mr Seretti's registration be suspended indefinitely.

In the Committee's judgment, a sanction remains necessary on Mr Seretti's registration to protect the public and to maintain public confidence in the profession and this regulatory process. There has been no engagement from him at all and there is therefore nothing to indicate that he would comply with any conditions on his registration. There is also no evidence that he will have appropriate insurance or indemnity in place if he were allowed to return to practice. The Committee determined that the suspension of his registration continues to be necessary and proportionate.

There is nothing to indicate that Mr Seretti will engage in these proceedings in the future. There is therefore nothing to suggest that there would be any evidence of insight or remediation before a reviewing Committee, were the Committee today to direct that Mr Seretti's registration be extended for a further period of up to 12 months with a review.

In the Committee's judgment indefinite suspension is now appropriate, owing to the fundamental importance of indemnity to professional practice and Mr Seretti's history of non-engagement in these proceedings and there being no evidence to suggest that he would seek to engage in the future.

Accordingly, the Committee directs that Mr Seretti's registration as a dental technician be suspended indefinitely.

That concludes the hearing.