

PRIVATE HEARING**Professional Conduct Committee
Initial Hearing****9 – 10 April 2025****Name:** GOOCH, Jessica Hannah**Registration number:** 229873**Case number:** CAS-204822-N0G0V9

General Dental Council: Christopher Sykes, Counsel
Instructed by Carly Smith, IHLPS**Registrant:** Not Present
Unrepresented

Fitness to practise: Impaired by reason of misconduct**Outcome:** Suspended with immediate suspension (with a review)**Duration:** 12 months**Immediate order:** Immediate suspension order

Committee members: Susan Stevens (Dentist) (Chair)
Fiona Abbott (Lay)
Julie Byrom (DCP)**Legal Adviser:** Alain Gogarty**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.

Charge

That being registered as a dental nurse:

1. From 24th July 2023, onwards, you failed to cooperate with an investigation conducted by the GDC, in that you:
 - a. refused to participate in an assessment of your alleged health condition; and/or
 - b. failed to respond to communication from the GDC.
2. Your alleged health condition, referred to by Charge 1(a), **[PRIVATE]**.

AND that by reason of the matters alleged, your fitness to practise is impaired by reason of your misconduct.

1. This is a Professional Conduct Committee hearing in respect of a case brought against Miss Gooch by the General Dental Council (GDC).
2. The hearing commenced on 9 April 2025 and is being conducted remotely by Microsoft Teams video-link.
3. Miss Gooch is neither present nor represented at the hearing. Mr Sykes, Counsel, appears on behalf of the GDC.

Application to proceed with the hearing in the absence of the registrant

4. At the outset, Mr Sykes made an application pursuant to Rule 54 of the GDC (Fitness to Practise) Rules Order of Council 2006 ('the Rules') to proceed with the hearing notwithstanding the absence of Miss Gooch.
5. The Committee has taken into account Mr Sykes' submissions in respect of the application, as well as the information contained in the GDC's Hearing bundle. The Committee has accepted the advice of the Legal Adviser on the issues of service and proceeding in the absence of a registrant.

Decision on service

6. The Committee first considered whether the Notice of Hearing had been served on Miss Gooch in accordance with Rules 13 and 65 and Section 50A(2) of the Dentists Act 1984 (as amended) ('the Act').

7. The Committee has seen a copy of the Notice of Hearing dated 27 February 2025 ('the notice'), which was sent to Miss Gooch's registered address by Special Delivery on 27 February 2025.

8. The Committee was satisfied that the address shown on the Notice is the same address as that recorded on the GDC's records as being Miss Gooch's registered address. The Royal Mail 'Track and Trace' receipt records the attempts it made to deliver the Notice to Miss Gooch's registered address on 28 February 2025, 1 March 2025 and 13 March 2025 but was unable to do so. The Royal Mail track and trace receipt confirms that the item was delivered to Miss Gooch's registered address on 19 March 2025. This was following a request by member of staff from the GDC's Fitness To Practise (FTP) Prosecution Team to Royal Mail to re-post the Notice to the same registered address, after having verified with Miss Gooch in a telephone call on 12 March 2025 that the address contained on the GDC's database was her correct registered address.

9. The Committee is aware that for the purposes of being compliant with the Rules, the GDC is only required to demonstrate that the Notice has been sent by recorded means, and not that the item has been received.

10. The Committee is satisfied that the Notice dated 27 February 2025 contains all the required particulars, including the date and time of the hearing, confirmation that it would be held remotely by Microsoft Teams, and that the Committee had the power to proceed with the hearing in the absence of Miss Gooch. It is further satisfied that the Notice, which was sent to Miss Gooch on 27 February 2025, complied with the 28-day notice period required by the Rules.

11. On the basis of all the information provided, the Committee was satisfied that the Notice had been served on Miss Gooch in accordance with the Rules and the Act.

Decision on whether to proceed with the hearing in the absence of the registrant

12. The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Miss Gooch. It took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones* [2003] 1 AC 1HL, and as affirmed in the regulatory case of *General Medical Council v Adeogba* [2016] EWCA Civ 162.

13. The Committee bore in mind the need to be fair to Miss Gooch as well as the GDC and the public interest in the expeditious disposal of this case.

14. The Committee is satisfied that all reasonable efforts had been made by the GDC to notify Miss Gooch of this hearing. The Notice set out that the GDC's rules require the registrant to confirm whether they will be attending the hearing and/or whether they will be represented. No response has been received from Miss Gooch as to whether she would be attending the hearing and/or be legally represented.

15. In addition, the Committee has had regard to the record of a telephone call dated 17 March 2025 between the member of staff from the GDC's FTP team and Miss Gooch. The note records that the GDC Staff Member advised Miss Gooch that the outcome of the hearing had not yet been decided because the hearing was scheduled to take place from 9 to 11 April 2025. The note goes on to state "*Registrant has let me know she is not too bothered as she has not worked as a Dental Nurse in a while. However, she has also said it would be a shame to lose it.*"

16. The Committee notes the absence of any further communications from Miss Gooch regarding this hearing or any request for an adjournment. In the Committee's judgement, there is no information

before it to suggest that adjourning this hearing would secure Miss Gooch's attendance on a future date. The Committee is satisfied that Miss Gooch's absence is voluntary and concluded that an adjournment would serve no meaningful purpose.

17. The Committee considers that the allegations in this case are serious and give rise to potential risks to the public and public confidence in the profession which ought to be determined without undue delay.

18. In all the circumstances, the Committee has determined that it was fair and in the public interest to proceed with the hearing in the absence of Miss Gooch.

Application for the hearing to be held in private

19. Thereafter Mr Sykes made an application under Rule 53(2) that the whole hearing be heard in private since some of the alleged matters in this case concern Miss Gooch's health and therefore there is a need to protect her private life.

20. The Committee has accepted the advice of the Legal Adviser.

21. Given that some of the alleged matters in this case concern Miss Gooch's health, the Committee has determined to accede to the GDC's request under Rule 53(2).

Case background

22. Mr Sykes outlined the background to Miss Gooch's case. On 6 April 2023 an informant raised concerns with the GDC that Miss Gooch was present at the practice where she worked [PRIVATE]. The GDC sent a letter to Miss Gooch dated 2 May 2023 to notify her of the alleged concerns relating to her health. The GDC asked her to complete and return a form providing her details by 17th May 2023. The form contained a "Health Assessment Form" seeking her consent to undergo a health assessment. Miss Gooch initially agreed to undergo a Health Assessment but her position changed. The GDC notified Miss Gooch on 19 July 2023, warning her that if they did not hear from her by 24 July 2023, then the matter would be referred to the GDC's Case Examiners.

23. The allegations against Miss Gooch are as follows:

That being registered as a dental nurse:

1. From 24th July 2023, onwards, you failed to cooperate with an investigation conducted by the GDC, in that you:

- a. refused to participate in an assessment of your alleged health condition; and/or*
- b. failed to respond to communication from the GDC.*

2. Your alleged health condition, referred to by Charge 1(a), [PRIVATE]

AND that by reason of the matters alleged, your fitness to practise is impaired by reason of your misconduct."

Evidence

24. The Committee has had regard to the GDC's hearing bundle which includes statements from two witnesses on behalf of the GDC: the signed statement dated 4 December 2024 of GDC Caseworker in the Fitness to Practise (FTP) Team (Witness 1) and the signed statement dated 11 November 2024 of the Account Manager at a medical practice (the Practice) that deals with

occupational services (Witness 2). These witnesses were not called to give evidence since the Committee had no questions for them.

25. Miss Gooch has provided no response to the allegations against her.

26. The Committee has taken account of the submissions made by Mr Sykes and has accepted the advice of the Legal Adviser.

27. The Committee has borne 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 factual allegation is proved on the balance of probabilities. Miss Gooch need not prove anything.

28. The Committee has made the following findings:

1a.	<p><i>From 24th July 2023, onwards, you failed to co-operate with an investigation conducted by the GDC in that you refused to participate in an assessment of your alleged health condition; and/or.</i></p> <p>Found proved</p> <p>Standard 9.4 of the GDC's Standards for the Dental Team states: "<i>you must co-operate with any relevant formal or informal inquiry</i>". The Committee is satisfied that as a registered dental care professional, Miss Gooch was under an obligation to comply with the GDC's standards.</p> <p>In reaching its finding, the Committee has had regard to Witness 1's statement in which he sets out the chronology of events regarding the GDC's correspondence with Miss Gooch from 26 April 2023 to 19 July 2023. Witness 1 also sets out the chronology of events regarding correspondence between the GDC and the Practice from June 2023 to July 2023.</p> <p>The Committee notes that on 2 May 2023 the GDC sent a letter to Miss Gooch, notifying her of the concerns regarding her health. The GDC requested that Miss Gooch complete a form consenting to undergo a health assessment. On 30 May 2023 the GDC received post from Miss Gooch enclosing the completed forms.</p> <p>On 30 May 2023, the GDC referred Miss Gooch to the Practice. [PRIVATE]</p> <p>On 22 June 2023, the Practice informed the GDC that they were unable to reach Miss Gooch by phone. On 4 July 2023, the Practice unsuccessfully tried to call Miss Gooch to arrange for the health assessment to take place. Miss Gooch did not answer either her mobile or home number.</p> <p>On 6 July 2023, the Practice informed the GDC that they had called Miss Gooch. [PRIVATE]</p> <p>On 14 July 2023, the GDC emailed Miss Gooch to confirm that she had declined to undergo the health assessment. She did not respond. On 18 July 2023, the GDC tried to call Miss Gooch on her mobile and home numbers but received no response. On 19 July 2023, the GDC emailed Miss Gooch warning that if it did not hear from her by 24 July 2023 then it would refer the matter to the Case Examiners.</p> <p>There is nothing before the Committee to show that Miss Gooch responded to the GDC's emails and telephone calls after 24 July 2023. It is satisfied that she was</p>
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	under a duty to comply and that she failed to do so from 24 July 2023, which was the date by which she was required to comply.
1.b	<p><i>failed to respond to communication from the GDC.</i></p> <p>Found proved</p> <p>The Committee is satisfied that as a registered dental care professional, Miss Gooch was under a clear obligation to comply with Standards 9.4 and also 9.4.1 which states: “ If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter. You should also seek advice from your indemnity provider or professional association.”</p> <p>The Committee accepts that during the early stages of the GDC investigation (around May 2023) Miss Gooch initially co-operated with the GDC. However, the Committee has had regard to Witness 1’s statement in which they set out that on 14 July 2023, 18 July 2023 and 19 July 2023, Miss Gooch failed to respond to the GDC either by telephone or by email. There is nothing to indicate that there is any correspondence from Miss Gooch after 24 July 2023. It is satisfied that she was under a duty to comply with the GDC’s Standards and that she failed to do so from 24 July 2023, which was the date by which she was required to comply.</p>
2.	<p><i>Your alleged health condition, referred to by Charge 1(a), [PRIVATE]</i></p> <p>Found proved</p> <p>The Committee has borne in mind that it is not required to reach a finding as to whether Miss Gooch has the alleged health condition, as specified at Charge 1(a). It is, however, required to reach a finding as to whether the health condition was alleged.</p> <p>In finding this charge proved, the Committee has had regard to the information contained on the Informant’s Webform dated 6 April 2023. This states: [“PRIVATE”].</p> <p>The Committee has also had regard to the email dated 14 June 2023 from the Clinical Director of the organisation where Miss Gooch was working as a dental nurse at the material times. [PRIVATE] Notwithstanding that this information is multiple hearsay evidence, the Committee is satisfied that it comes from a reliable and credible source and could place some weight on it.</p> <p>In light of these two pieces of evidence, the Committee is satisfied that it was incumbent upon the GDC, given its overarching objective to protect the public, to commence an investigation into the alleged health condition.</p> <p>Accordingly, it finds this charge proved.</p>

29. The hearing moves to Stage Two.

Determination on misconduct, current impairment and sanction

30. Following the handing down of the Committee’s findings of fact on 9 April 2025, the hearing proceeded to stage two; that is to say, misconduct, current impairment and sanction.

31. The Committee has considered all the evidence presented to it. It has taken into account the submissions made by Mr Sykes 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

32. Mr Sykes confirmed that Miss Gooch has no fitness to practise history. He advised that Miss Gooch is currently subject to an interim order of suspension.

Summary of submissions

33. Mr Sykes submitted that the PCC’s findings against Miss Gooch, which concern her failure since 24 July 2023 to co-operate with a formal inquiry conducted by the GDC into her alleged health condition, amounts to misconduct. He reminded the Committee that misconduct involves an act or omission which falls short of what would be proper in the circumstances, and such a falling short must be serious.

34. Mr Sykes invited the Committee to consider the serious nature of the findings against Miss Gooch and the absence of any evidence of any insight and/or remediation. Mr Sykes submitted that given these circumstances Miss Gooch remains currently impaired by reason of her misconduct. Mr Sykes submitted that a finding of current impairment is necessary for the protection of the public given her non-compliance with her regulator and the unresolved concerns relating to the health **[PRIVATE]**. In addition, a finding of current impairment is necessary in the wider public interest so as to uphold proper professional standards and maintain public confidence in the profession.

35. Mr Sykes submitted that the appropriate and proportionate sanction in this case is to direct an order of suspension for a period of 12 months, with a review. Mr Sykes highlighted relevant factors identified in the suspension criteria contained in the GDC’s Guidance which are met in this case.

36. Mr Sykes further submitted that if the Committee is minded to order suspension, the GDC will invite an immediate order on public interest grounds.

Misconduct

37. The Committee first considered whether the facts found proved constitute misconduct. In so doing, it has exercised its own independent judgement.

38. The Committee has found proved that from 24 July 2023 onwards, Miss Gooch failed to co-operate with an investigation conducted by the GDC in that she refused to participate in an assessment of her alleged health condition and she failed to respond to communication from the GDC. It also found proved that Miss Gooch’s alleged health condition concerned **[PRIVATE]**.

39. The Committee takes a serious view of Miss Gooch’s failure to co-operate with the GDC’s investigation, including her refusal to participate in an assessment of her alleged health condition. In the Committee’s judgement, co-operating with the regulator as part of its investigations are basic and fundamental requirements of being a registered dental care professional. It has borne in mind that this failure took place over a period of almost two years. She provided no explanation for her non-compliance.

40. The Committee considers that Miss Gooch's conduct indicates that she did not take her regulatory obligations seriously. Further, she showed an unwillingness to reassure the GDC and therefore patients that she was in adequate health to practise safely.

41. The Committee considers that Miss Gooch's failure to co-operate with a health inquiry is closely linked to her professional practice and therefore amounts to professional failure. It is satisfied that Miss Gooch breached the following standards from the GDC's Standards for the Dental Team:

9.4 You must co-operate with any relevant formal or informal inquiry and give full and truthful information.

9.4.1 If you receive a letter from the GDC in connection with concerns about your fitness to practise, you must respond fully within the time specified in the letter. You should also seek advice from your indemnity provider or professional association.

42. Accordingly, the Committee has concluded that the facts found proved are sufficiently serious to amount to misconduct.

Current impairment

43. The Committee next considered whether Miss Gooch's fitness to practise is currently impaired by reason of her misconduct. 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.

44. The Committee has had regard to the letter dated 14 June 2023 from Miss Gooch's previous employer. The letter confirms that there were no clinical concerns from the practice or patient complaints relating to Miss Gooch. The Committee notes that the letter is nearly two years old and it has no up to date information regarding Miss Gooch's current employment.

45. Moreover, the Committee has had regard to Miss Gooch's non- engagement with the GDC since July 2023, save for answering telephone calls from the GDC on 12, 13 and 17 March 2025 in relation to her attendance at these proceedings.

46. The Committee notes the absence of any reflection or insight from Miss Gooch in relation to the matters that form the subject of the GDC's inquiry against her, or how she might act differently in the future. It therefore considers that Miss Gooch's continued lack of engagement with the GDC since July 2023 is liable to be repeated. The Committee considers that a repetition of such conduct might put the public at unwarranted risk of harm.

47. Further, the Committee has borne in mind the unresolved concern relating to her alleged health concern, which raises a risk to the public.

48. Accordingly, the Committee finds that Miss Gooch's fitness to practise is currently impaired by reason of her misconduct on the grounds of public protection.

49. The Committee further considers that a finding of impairment on the grounds of misconduct is also required to maintain public confidence in the profession and to declare and uphold proper professional standards of conduct and behaviour. In the Committee's judgement the public's trust and confidence in the profession, and in the regulatory process, would be significantly undermined if a finding of impairment was not made given Miss Gooch's ongoing failure to comply with a formal

inquiry into her health. Such conduct undermines the authority of the GDC to verify the health of registrants.

50. Accordingly, the Committee finds that Miss Gooch's fitness to practise is currently impaired by reason of her misconduct.

Sanction

51. The Committee then determined what sanction, if any, is appropriate in light of the findings of misconduct and current impairment by reason of misconduct. 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 mentioned above.

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 Miss Gooch's own interests.

53. The Committee notes from the telephone note dated 17 March 2025 that Miss Gooch has *"not worked as a Dental Nurse in a while"*. However, she also said *"it would be a shame to lose it"*.

54. The Committee has considered the mitigating and aggravating factors present in this case. In the Committee's view, there are no mitigating factors present in this case. In terms of aggravating factors, the Committee has borne in mind Miss Gooch lacks insight into her misconduct and her disregard of the role of the GDC and systems regulating the profession.

55. 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. In the Committee's judgement public trust and confidence in the profession and in the regulatory process would be significantly undermined if no action were taken, or if a reprimand were issued.

56. The Committee also considers that a direction of conditional registration would not be sufficient to meet the public protection and public interest considerations engaged in this case. Further, the Committee considers that conditions would not be workable in this case given Miss Gooch's failure to engage with the GDC.

57. The Committee then went on to consider whether an order of suspension would be the appropriate sanction. The GDC's Guidance states suspension may be suitable where most of the following factors are present:

- there is evidence of repetition of the behaviour;
- the registrant has not shown insight and/or poses a significant risk of repeating the behaviour;
- patients' interests would be insufficiently protected by a lesser sanction;
- public confidence in the profession would be insufficiently protected by a lesser sanction;
- there is no evidence of harmful deep-seated personality or professional attitudinal problems.

58. The Committee was satisfied that the misconduct in this case, although serious, was not fundamentally incompatible with Miss Gooch remaining on the register. The Committee considered that a period of suspension would give Miss Gooch sufficient time to engage with these proceedings

and reflect on the importance of co-operating with the GDC and the impact on the safety patients due to not co-operating.

59. The Committee did go on to consider a sanction of erasure but, taking into account all of the information before it, determined that it would be disproportionate.

60. Balancing all these factors, the Committee directs Miss Gooch's registration be suspended for a period of 12 months. This is necessary in order to protect patients and to maintain and uphold public confidence in the profession, whilst sending the public and the profession a clear message about the standards of practice required of a Dental Care Professional.

61. The Committee noted the hardship the suspension may cause Miss Gooch; however this is outweighed by the public interest in this regard.

62. The Committee directs that this order be reviewed before its expiry, and Miss Gooch will be informed of the date and time in writing. The reviewing Committee will consider what action it should take in relation to Miss Gooch's registration.

63. The reviewing Committee may be assisted by

- *Miss Gooch's attendance at the review hearing*
- *Miss Gooch providing a detailed reflective statement demonstrating her insight into and understanding of the importance of co-operating with the GDC and its impact on patients, the dental profession, and public confidence.*

Existing interim order

64. In accordance with Rule 21(3) the interim order of suspension in place on Miss Gooch's registration is hereby revoked.

65. The Committee now invites submissions on an immediate order.

Decision and reasons on immediate order

66. Mr Sykes made an application for an immediate suspension order to be imposed on Miss Gooch's registration. He invited the Committee to impose such an order on the grounds of the public interest. However, Mr Sykes submitted that it was open to the Committee to make an immediate suspension order on the grounds of the protection of the public, given the Committee's findings.

67. The Committee has accepted the advice of the Legal Adviser.

68. Given the Committee's earlier findings and the risk of repetition of the misconduct, it is satisfied that an immediate suspension order is necessary for the protection of the public and is otherwise in the public interest. To do otherwise would be incompatible with the Committee's earlier findings.

69. The Committee has therefore determined to make an immediate order of suspension.

70. The immediate suspension order will remain in place for at least 28 days from the date on which Miss Gooch is deemed to have been served with the Committee's decision. If an appeal is made, it will remain in place until the appeal has concluded. If no appeal is made, the substantive

direction of suspension for a period of 12 months will replace the immediate suspension after 28 days.

71. The Committee's decision will be confirmed to Miss Gooch in writing, in accordance with the Act.
72. That concludes this determination.