

HEARING PART-HELD IN PRIVATE**Professional Conduct Committee
Initial Hearing****11 to 19 March 2024****Name:** WILLIS, Richard John**Registration number:** 69528**Case number:** CAS-198723-N5K7B9

General Dental Council: Reka Hollos, Counsel
Instructed by Clare Hastie, Kingsley Napley**Registrant:** Present
Represented by Ben Rich, Counsel
Instructed by Laura Smith, Clyde and Co

Fitness to practise: Impaired by reason of misconduct**Outcome:** Suspension**Duration:** Four Months**Immediate order:** No immediate order imposed

Committee members: Bill Nelson (Chair, Lay Member)
Janhvi Amin (Dentist Member)
Priya Sharma (Dental Care Professional Member)**Legal Adviser:** Justin Gau**Committee Secretary:** Lola Bird

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.

Mr Willis,

1. This is a Professional Conduct Committee hearing in respect of a case brought against you by the General Dental Council (GDC).
2. The hearing commenced on 11 March 2024, in person at the Dental Professionals Hearings Service.
3. You are represented by Mr Ben Rich, Counsel. The Case Presenter for the GDC is Ms Reka Hollos, Counsel.

Preliminary application for Joinder – 11 March 2024

4. At the outset of the hearing, Ms Hollos made an application under Rule 25 of the *GDC (Fitness to Practise) Rules 2006* ('the Rules') to join additional allegations to the original charge.

5. The relevant provisions of Rule 25 state that:

(2) Where—

(a) an allegation against a respondent has been referred to a Practice Committee,

(b) that allegation has not yet been heard, and

(c) a new allegation against the respondent which is of a similar kind or is founded on the same alleged facts is received by the Council,

the Practice Committee may consider the new allegation at the same time as the original allegation, notwithstanding that the new allegation has not been included in the notification of hearing.

(3) Where it is proposed that a new allegation should be heard by a Practice Committee under paragraph (2), they shall—

(a) inform the respondent of the new allegation, and the alleged facts on which it is based; and

(b) provide the respondent with an opportunity to make written representations on the new allegation and require any such representations to be received within the period of 28 days beginning with the date on which notification of the new allegation was sent to the respondent, or within such period as is otherwise agreed by the parties.

6. Ms Hollos applied to join the following new allegations (with their sub-particulars) for consideration at this hearing, in conjunction with the originally referred matters:

1. On 10 March 2023, you told Colleague C words to the effect of:

i) "You've made up accusations about me"; and

ii) *“You’ve put them in writing and sent them to the GDC”.*

2. *You breached the conditions imposed by an Interim Orders Committee on 2 November 2021, as varied on 26 April 2022, in that you were present at the [REDACTED] branch of the Practice outside of the hours permitted by condition 12 (read together with condition 8) on one or more of the following dates:*

- a) b. 13 July 2022*
- b) c. 27 July 2022*
- c) d. 17 August 2022*
- d) e. 24 August 2022*
- e) g. 7 September 2022*

7. Ms Hollos told the Committee that it was during the GDC’s investigation into this case that these additional allegations came to light.

8. Mr Rich raised no objection to the GDC’s application for joinder.

Decision on the application for joinder

9. Having heard from both parties, the Committee accepted the advice of the Legal Adviser.

10. In reaching its decision, the Committee was satisfied that you had been properly informed of the proposed application in accordance with Rule 25(3). It also noted that no objection was raised on your behalf.

11. The Committee was satisfied that the new allegations that the GDC was seeking to add, were matters that were founded on the same alleged facts as those set out in the original Notice of Hearing. In the circumstances, the Committee concluded that it would be fair, expeditious in the public interest and in your own interests, to hear all the alleged matters together at one hearing.

12. The Committee therefore acceded to the GDC’s application for joinder.

13. Accordingly, the combined charge put before the Committee read as follows:

“That being registered as a dentist Richard Willis’ (69528) fitness to practise is impaired by reason of misconduct in that:

1. *On or around 2 May 2020, you made an entry on the Practice’s social media page in response to a comment made by Patient A: “Generally speaking if patient’s don’t turn up for an appointment two years ago to have rotten teeth taken out and then expect something to happen whilst there is a pandemic – our hands are tied behind our back” or words to that effect.*

2. *Your actions in relation to allegation 1 breached patient confidentiality.*

3. *On or around 2 May 2020, you initially denied having posted the entry at allegation 1.*
4. *Your actions in relation to allegation 3 above were;*
 - a) *Misleading and/or*
 - b) *Dishonest*

In that you provided information knowing this to be untrue.
5. *On 30 and 31 May 2021, you sent messages as set out in Schedule A to Colleague B outside working hours.*
6. *Your actions in relation to allegation 5 were:*
 - a) *Unprofessional and/or*
 - b) *Inappropriate and/or*
 - c) *Threatening.*
7. *You failed to maintain appropriate standards of behaviour towards staff and colleagues of the Practice in that:*
 - a) *On 8 September 2021, you used an aggressive tone when speaking to Colleague C about Patient (X) who she had scheduled in your appointment diary for that morning.*
 - b) *On 10 March 2023, you told Colleague C words to the effect of:*
 - i) *“You’ve made up accusations about me”; and*
 - ii) *“You’ve put them in writing and sent them to the GDC”.*
 - c) *In response to a question from Colleague E as to whether Colleague A was at the Practice, you responded by using words to the effect of “no thank god, otherwise I would hit him”.*
 - d) *On 7 December 2019, you touched ex-Colleague A by sliding your hand up her skirt and/or placing your hand on her thigh on the coach home from the Christmas party.*
 - e) *On more than one occasion, you contacted colleagues out of hours.*
8. *Your actions in relation to allegation 7 were:*
 - a) *Unprofessional and/or*
 - b) *Inappropriate and/or*
 - c) *Threatening*

9. *Your actions in relation to allegation 7(d) were:*
- (i) without the consent of ex-colleague A and you did not reasonably believe that ex-Colleague A consented; and/or*
 - (ii) of a sexual nature; and/or*
 - (iii) an abuse of the position of trust and/or authority you held as a more senior colleague of ex-Colleague A.*
10. *Between 8 September 2021 and 10 September 2021, you failed to treat other members of the dental team with dignity and respect by accusing them of theft.*
11. *You breached the conditions imposed by an Interim Orders Committee on 2 November 2021, as varied on 26 April 2022, in that you were present at the [REDACTED] branch of the Practice outside of the hours permitted by condition 12 (read together with condition 8) on one or more of the following dates:*
- a) 25 May 2022*
 - b) 13 July 2022*
 - c) 27 July 2022*
 - d) 17 August 2022*
 - e) 24 August 2022*
 - f) 31 August 2022*
 - g) 7 September 2022”*

14. The Committee also had before it Schedule A to the charge, as referred to in head of charge 5 above.

Application to hold the hearing partly in private

15. The Committee next heard a preliminary application, made on your behalf, for the hearing to be held partly in private under Rule 53 of the Rules. The application itself was heard in private session.
16. [IN PRIVATE].
17. [IN PRIVATE]
18. [IN PRIVATE].
19. Ms Hollos told the Committee that the GDC was neutral in respect of the application.

Decision on the application for a partly private hearing

20. The Committee took account of the submissions of both parties. It accepted the advice of the Legal Adviser.

21. [IN PRIVATE].

22. Accordingly, the Committee acceded to the application for the hearing to be held partly in private, should this be necessary, for the purpose outlined by Mr Rich.

Admissions to the charge

23. Mr Rich went on to address your admissions to the charge. He told the Committee that you admitted the following heads of charge: 1, 2, 3, 4 (in its entirety), 5, 6 (in its entirety), 7(c) (qualified admission), 7(d) (in part), 7e, 8(a) and (b) (in so far as they relate to your admissions to 7(c), 7(d) and 7(e)), 11(a), 11(b), 11(c), 11(e), 11(f) and 11(g).

24. In respect of head of charge 7(c), which relates to an alleged comment that you made to Colleague E about Colleague A, Mr Rich stated that there was further context to that allegation in that you maintained that what is alleged were not the only words said by you.

25. With regard to head of charge 7(d), which relates to your alleged touching of ex-Colleague A, Mr Rich stated that you admitted as a fact “*placing your hand on her thigh*”, but not, “*sliding your hand up her skirt*”.

26. You also denied the remaining allegations at heads of charge 7(a), 7(b), 8(a) and (b) (in so far as they relate to 7(a) and 7(b)), 8(c), 9, 10 and 11 (d). In relation to head of charge 11(d), which is the only allegation not admitted at 11, Mr Rich stated that you were putting the GDC to proof in respect of the date concerned, as you did not have a record of the alleged incident.

Findings in relation to your admissions to the charge – 11 March 2024

27. In accordance with paragraph 2.9 of the GDC’s ‘*Guidance on Admissions made at the Preliminary Stage in Fitness to Practise Proceedings*’ (issued in October 2022), the Committee announced the admitted factual allegations as found proved.

28. In accepting your admissions, the Committee noted your qualified admission to head of charge 7(c) and your partial admission to head of charge 7(d). The agreement of both parties was that these equivocal admissions could be accepted at the preliminary stage, and that the outstanding aspects of those allegations would be matters for the Committee to decide at the fact-finding stage.

Summary of the case background

29. The factual matters set out in the charge, a large number of which you admitted, relate to your conduct whilst working as a dentist and co-owner of a dental practice (‘the Practice’), covering the period 2019 to 2023.

30. In opening the case for the GDC, Ms Hollos told the Committee, by way of background, that over the period in question, your professional and business relationship with Colleague A, and your professional relationships with a number of other colleagues at the Practice became strained. Your behaviour towards those colleagues forms the basis of many of the concerns raised.

31. Ms Hollos summarised the concerns against you into five broad categories, namely:

- Your breach of patient confidentiality in relation to social media.
- Your messaging of colleagues out of hours.
- Your conduct towards colleagues at the Practice.
- Your alleged non-consensual touching of ex-Colleague A.
- Your breach of an interim order imposed on your registration.

Evidence

32. The GDC provided the Committee with documentary evidence comprising the following witness statements (along with a considerable number of associated exhibits):

- The witness statement of Colleague A dated 22 September 2023.
- The witness statement of Colleague B dated 22 September 2023.
- The witness statement of Colleague C dated 22 September 2023.
- The witness statement of Colleague D dated 22 September 2023.
- The witness statement of Colleague E dated 22 September 2023.
- The witness statement of Colleague F dated 22 September 2023.

33. In addition, the Committee heard oral evidence from Colleagues A, C, D, E and F. Colleagues A and C gave their oral evidence in person at the hearing and the Committee heard from Colleagues D, E and F via remote video-link.

34. While the intention had been to also call Colleague B to give oral evidence, both parties agreed that the disputed issues arising from Colleague B's witness statement were not matters that went directly to any of the outstanding allegations. Therefore, in the absence of any proposed questions from the Committee, it was decided that Colleague B's witness statement could be taken as read without the need for this witness to attend to give oral evidence.

35. The evidence received by the Committee on your behalf included your witness statement dated 15 February 2024, with a number of associated exhibits. You also gave oral evidence in person at this hearing. [N PRIVATE].

Findings of Fact – 15 March 2024

36. The Committee considered all the evidence presented to it, both documentary and oral. It took account of the closing submissions made by Ms Hollos on behalf of the GDC and those made on your behalf by Mr Rich. The Committee accepted the advice of the Legal Adviser.

37. The Committee considered the outstanding 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.

38. For completeness, the following findings made by the Committee include those matters found proved at the outset of the hearing on the basis of your admissions:

1.	<p><i>On or around 2 May 2020, you made an entry on the Practice's social media page in response to a comment made by Patient A: "Generally speaking if patient's don't turn up for an appointment two years ago to have rotten teeth taken out and then expect something to happen whilst there is a pandemic – our hands are tied behind our back" or words to that effect.</i></p> <p>Admitted and found proved.</p>
2.	<p><i>Your actions in relation to allegation 1 breached patient confidentiality.</i></p> <p>Admitted and found proved.</p>
3.	<p><i>On or around 2 May 2020, you initially denied having posted the entry at allegation 1.</i></p> <p>Admitted and found proved.</p>
4.	<p><i>Your actions in relation to allegation 3 above were;</i></p>
4(a).	<p><i>Misleading</i></p> <p>Admitted and found proved.</p>
4(b).	<p><i>Dishonest</i></p> <p><i>In that you provided information knowing this to be untrue.</i></p> <p>Admitted and found proved.</p>
5.	<p><i>On 30 and 31 May 2021, you sent messages as set out in Schedule A to Colleague B outside working hours.</i></p> <p>Admitted and found proved.</p>
6.	<p><i>Your actions in relation to allegation 5 were:</i></p>
6(a).	<p><i>Unprofessional</i></p> <p>Admitted and found proved.</p>
6(b).	<p><i>Inappropriate</i></p> <p>Admitted and found proved.</p>
6(c)	<p><i>Threatening.</i></p> <p>Admitted and found proved.</p>
7.	<p><i>You failed to maintain appropriate standards of behaviour towards staff and colleagues of the Practice in that:</i></p>

7(a).	<p><i>On 8 September 2021, you used an aggressive tone when speaking to Colleague C about Patient (X) who she had scheduled in your appointment diary for that morning.</i></p> <p>Found not proved.</p> <p>This matter relates to your alleged response to Colleague C about her having scheduled Patient (X) into your appointment diary during a Covid-era fallow period. The evidence was that you asked Colleague C to remove the appointment, but she refused to do.</p> <p>The Committee had regard to the contemporaneous note, dated 8 September 2021, made by Colleague C in relation to the discussion she said she had with you about the incident. She stated in that note that, <i>“Through out this conversation Richard was aggressive towards me and I felt intimidated... My colleagues who witnessed this said how shocked they were by his behavior...[sic]”</i></p> <p>The Committee noted that despite Colleague C having stated that the incident was witnessed by other colleagues, there was no evidence to support this recollection. The Committee noted that Colleague C’s visible upset on the day in question was corroborated by Colleague D and Colleague F, but neither of them said that they had heard the actual discussion.</p> <p>Furthermore, the Committee took into account that in her witness statement prepared for the purposes of this hearing, Colleague C describes you as having <i>“screamed and shouted”</i> at her during your conversation on 8 September 2021, <i>“to the point that he was spitting”</i>. This level of detail was not included in Colleague C’s contemporaneous note.</p> <p>The Committee heard from Colleague F that she was near to where you and Colleague C had the discussion about the booking of Patient (X)’s appointment. However, Colleague F told the Committee that she did not hear any screaming or shouting from nearby, but that she could hear the noise of the suction units which were positioned further away. In light of this evidence, the Committee concluded that had you screamed and shouted, as Colleague C later describes, it was likely that Colleague F would have overheard you.</p> <p>Having had regard to the way in which her description of your behaviour developed over time, the Committee found Colleague C’s evidence on this issue to be unreliable. It acknowledged that Colleague C may well have perceived the way you spoke to her as aggressive. However, it was also plausible, in the Committee’s view, that given the circumstances, you had simply sought to challenge, or even criticise Colleague C for not acting on your instruction, as the treating dentist of Patient (X). You told the Committee that you were irritated and frustrated by the matter, but you denied being aggressive. The Committee considered that Colleague C’s upset, as witnessed by other colleagues on that day, could equally have been consistent with her having just come away from a difficult conversation during which you challenged or criticised her.</p> <p>Taking all the evidence into account, the Committee was not satisfied that this allegation is proved on the balance of probabilities.</p>
7(b).	<p><i>On 10 March 2023, you told Colleague C words to the effect of:</i></p>
7(b)(i)	<p><i>“You’ve made up accusations about me”;</i></p> <p>Found not proved.</p>

	<p>It was Patient C's evidence that you said this to her. The Committee also had sight of a copy of an email dated 10 March 2023, in which Colleague C raised a grievance about the matter stating, <i>"Richard then started to state that I had made untrue allegations about him and put these in writing to [Colleague A] and these were now with the GDC, I replied to say I had not made any false allegations..."</i></p> <p>You accepted that you did have a conversation with Colleague C on 10 March 2023 regarding emails that she forwarded to Colleague A containing allegations which were then referred by him to the GDC. However, you denied telling Colleague C that she had made up accusations about you. Your evidence was that Colleague C had misinterpreted your complaint to her that allegations had simply been passed on to the GDC without any investigation or discussion with you. The Committee was provided with your near contemporaneous note of the conversation you said that you had with Colleague C about the matter, dated 13 March 2023.</p> <p>The Committee considered that it was clear from Colleague C's grievance email that she thought you had confronted her about making up accusations about you. However, the Committee took into account that by that stage, you were already aware that the allegations had been raised by another member of staff. In the circumstances, the Committee was not persuaded that it was more likely than not that you said what is alleged to Colleague C. It preferred your evidence on the issue, even though it acknowledged that Colleague C felt that you did say that she had made false accusations.</p> <p>In preferring your evidence and finding this head of charge not proved, the Committee was satisfied that your complaint to Colleague C, that she had passed on allegations without giving you a chance to respond to them, is very different to accusing her of making the allegations up. The Committee was therefore satisfied that what you said could not be categorised as <i>'words to that effect'</i>.</p>
7(b)(ii)	<p><i>"You've put them in writing and sent them to the GDC".</i></p> <p>Found proved.</p> <p>The Committee was satisfied that this allegation is proved on the basis of the evidence provided by the GDC. The Committee considered that even on your own evidence you said words to this effect to Colleague C. It took into account your near contemporaneous note of 13 March 2023, in which you stated <i>"[Colleague A] forwarded your emails...to the GDC, there hasn't been any investigation or discussion about the issue with me, its just immediately been sent off [sic]"</i></p> <p>The Committee was satisfied that the overall meaning of what you said to Colleague C was that she had put the allegations in writing and sent them to the GDC.</p>
7(c).	<p><i>In response to a question from Colleague E as to whether Colleague A was at the Practice, you responded by using words to the effect of "no thank god, otherwise I would hit him".</i></p> <p>Found proved.</p> <p>You referred to this allegation in your witness statement, stating that <i>"I accept that I used words along the lines set out above but I used additional wording which gave what I was saying a different meaning. Colleague E asked me whether [Colleague A] was at the Practice and I replied by saying something along the lines</i></p>

	<p>of “no thank God, otherwise I would hit him, allegedly” or “no, thank God, otherwise I would hit him, according to [Colleague A]”. Your evidence was that you were not suggesting that you would hit Colleague A, but that based on what he had said in his correspondence to the GDC, Colleague A thought that you would behave in this way if you were both at the Practice together.</p> <p>However, the Committee found that Colleague E was clear in his evidence that you did not use the word “allegedly” or any word to that effect. He told the Committee that, had you done so, he would have gained a different impression and would not have been as concerned as he was about what you said. The Committee noted that Colleague was so concerned that he felt the need to inform Colleague A of the matter.</p> <p>The Committee considered that Colleague E was a reliable witness who provided a good explanation in respect of what you said to him. It was satisfied from his account that the words you used did convey what is alleged in this head of charge and therefore it is found proved.</p>
7(d).	<p><i>On 7 December 2019, you touched ex-Colleague A by sliding your hand up her skirt and/or placing your hand on her thigh on the coach home from the Christmas party.</i></p> <p>Admitted and found proved on the basis that you placed your hand on ex-Colleague A’s thigh.</p> <p>The evidence was that you and ex-Colleague A were friends. You stated in your witness statement that, “<i>We were good friends and were sometimes tactile with one another – for example she would massage my shoulders while I was working at the computer or I might put my hand on her arm...</i>”.</p> <p>You admitted at the outset of the hearing that you placed your hand on ex-Colleague A’s thigh on the coach home from the Christmas party. However, you denied sliding your hand up ex-Colleague A’s skirt, and the Committee noted that this aspect of the allegation was effectively withdrawn during the hearing. In cross-examination on this issue, Colleague D agreed to withdraw that part of her account. She told the Committee that the alleged incident was a long time ago and that it had been dark on the coach at the material time. She conceded that her account of you sliding your hand up ex-Colleague A’s skirt may not be accurate.</p> <p>The Committee accepted your admission and was satisfied that it could find this allegation proved on that specific basis. However, the Committee also considered that it was necessary to reach a decision on the circumstances surrounding the incident, to assist with its findings in respect of the associated allegations at heads of charge 8 and 9 below.</p> <p>In addition to Colleague D’s evidence, the Committee also heard evidence from Colleagues C and F on this matter, as well as evidence from you.</p> <p>The Committee did not have any evidence from ex-Colleague A. It was told that both the GDC and those acting on your behalf had attempted to contact her. In the initial contact made by your representatives, ex-Colleague A did not remember or have any concern about this incident. She made it clear that she did not want to give evidence in this case.</p>

	<p>The Committee's assessment of the evidence, including from the witness statements, was that no one had a clear recollection of what occurred on the coach, in circumstances where people's memories and perceptions were likely to be confused. This was a coach journey following a Christmas party in 2019 at which you and others had been drinking. Furthermore, nobody appeared to make anything of the events at the material time, with matters having been reconstructed four years later in 2023. The Committee found that there were inconsistencies in the accounts given, including in relation to where people were sitting on the coach. The Committee also noted the evidence that it was dark on the coach and people were moving about.</p> <p>However, all three witnesses, Colleagues C, D and F recalled you sitting next to ex-Colleague A, and Colleague D and F recalled your touching of ex-Colleague A's thigh. The Committee found that Colleague F gave a fair and balanced oral account of the incident, in which she described ex-Colleague A removing your hand, as opposed to brushing or batting it away as she had initially suggested in her written evidence.</p> <p>The Committee did not accept your recollection of standing in the aisle of the coach, as opposed to sitting next to ex-Colleague A, given that you stated that you only recalled touching her thigh when you arrived at work on the Monday morning and you were told by ex-Colleague A that others had been talking about the incident.</p> <p>The Committee took into account the additional details provided by some of the witnesses, including Colleague C who stated that, whilst she did not witness you placing your hand on ex-Colleague A's thigh, she did recall ex-Colleague A getting up and walking to the end of the coach and that Colleague A had looked angry at the time. Colleague D, who did witness the incident, also mentioned that ex-Colleague A got up and moved shortly afterwards. Colleague D told the Committee that she recalled that ex-Colleague A had gone to sit with younger colleagues at the back of the coach. Colleague F did not recall ex-Colleague A getting up and walking to the back of the coach.</p> <p>The Committee was not satisfied that it could extrapolate from the accounts of Colleagues C and D that ex-Colleague A moved away from you because she was annoyed that you had placed your hand on her thigh. The Committee considered that there were issues with the reliability of both witnesses' accounts. Colleague C did not see the incident and appeared to be recalling details a number of years after the event, partly based on what she said she had been told by Colleague D, and partly based on her recollection of ex-Colleague A's demeanour in the context of a dark coach in which there was lots of movement. The Committee also took into account that Colleague D accepted under cross-examination that some of the detail she had previously described may not have been accurate.</p> <p>Having taken all the evidence into account, the Committee was satisfied, that at some stage you were sitting next to ex-Colleague A on the coach, that you put your hand on her mid-thigh and that she moved your hand away.</p>
7(e).	<p><i>On more than one occasion, you contacted colleagues out of hours.</i></p> <p>Admitted and found proved.</p>

8.	<i>Your actions in relation to allegation 7 were:</i>
8(a).	<p><i>Unprofessional</i></p> <p>Admitted and found proved in relation to 7(c), 7(d) and 7(e).</p> <p>Also found proved in relation to 7(b)(ii):</p> <p>In the Committee's view, it was unprofessional for you, the subject of a third party complaint, to criticise or imply criticism of Colleague C, for being involved in the forwarding of that complaint to the GDC. Colleague C's actions were legitimate and in accordance with her role at the Practice, and it was not for you to interfere in that process or to criticise how the matter had been handled. The Committee was satisfied on the balance of probabilities that your conduct in doing so departed from the standards expected of a dental professional.</p>
8(b).	<p><i>Inappropriate</i></p> <p>Admitted and found proved in relation to 7(c), 7(d) and 7(e).</p> <p>Also found proved in relation to 7(b)(ii) for the same reasons given at 8(a) above.</p>
8(c)	<p><i>Threatening</i></p> <p>Found proved in relation to 7(c).</p> <p>In relation to what you said to Colleague E about hitting Colleague A, the Committee found that this was threatening. It considered that regardless of what was in your mind at the time, Colleague E was alarmed to the extent that he felt the need to tell Colleague A. Looking at the matter objectively, your words were threatening, and Colleague E took them as threatening. In his mind, your conduct raised the prospect of expectation of future harm to Colleague A.</p> <p>Found not proved in relation to 7(b)(ii), 7(d) and 7(e).</p> <p>7(b)(ii):</p> <p>Whilst you admitted and the Committee found that you sought to complain to Colleague C about her involvement in referring allegations against you to the GDC, the Committee was not satisfied that there was any evidence on which it could conclude that your conduct was threatening. There was nothing before the Committee to suggest that your behaviour raised the prospect of expectation of future harm to Colleague C.</p> <p>7(d):</p> <p>The Committee took into account the evidence of your relationship with ex-Colleague A, which on all accounts appeared to be a close friendship. The Committee considered that ex-Colleague A's moving of your hand from her thigh whilst on the coach implied unwanted contact on that occasion. However, it was not satisfied on the balance of probabilities taking all the evidence into account, that your action represented behaviour that was threatening.</p>

	<p>7(e):</p> <p>The allegation at head of charge 7(e), which you admitted, and the Committee found proved, relates to texts messages that you sent to Colleague A out of hours. He told the Committee in his oral evidence that he would receive texts from you approximately on a monthly basis. He also told the Committee that whilst some of the texts were business-related, there were others that were accusatory and included personal slights.</p> <p>Whilst the Committee noted Colleague A's evidence that the text messages were annoying and sometimes distressing to him, its attention was not drawn to any particular aspect of the messages that were threatening. The allegation at 7(e) simply refers to your act of contacting Colleague A out of hours, but not the nature of the contact. The Committee was not satisfied that it received sufficient evidence on which it could find that this contact was threatening.</p>
9.	<i>Your actions in relation to allegation 7(d) were:</i>
9(i)	<p><i>Without the consent of ex-colleague A and you did not reasonably believe that ex-Colleague A consented;</i></p> <p>Found proved.</p> <p>The Committee was satisfied that ex-Colleague A's removal of your hand from her thigh whilst on the coach implied that she did not consent to that contact on that occasion. The Committee was also satisfied that you did not reasonably believe that she consented to you placing your hand on her thigh in the context of being on a coach with other colleagues from work. The Committee noted your evidence that you and ex-Colleague A were sometimes tactile with each other, but that this would not normally happen in front of colleagues. In all the circumstances, the Committee was satisfied that this allegation is proved on the balance of probabilities.</p>
9(ii).	<p><i>of a sexual nature;</i></p> <p>Found not proved.</p> <p>It was the view of the Committee that the placing of a hand on someone's thigh is not in and of itself sexual. It therefore considered whether there was any evidence before it of circumstances that made your placing of your hand on ex-Colleague A's thigh, sexual in nature. The evidence before the Committee was that you and ex-Colleague A were good friends and that there was a certain amount of tactile touching within your friendship. Whilst the Committee took into account that Colleague A expressed the opinion that he thought your relationship with ex-Colleague A was "flirty", it was not satisfied that this was sufficient evidence on which to make a finding that your placing your hand on her thigh on the coach was a gesture of a sexual nature. The Committee concluded that the GDC has not discharged its burden in relation to this allegation.</p>
9(iii).	<i>an abuse of the position of trust and/or authority you held as a more senior colleague of ex-Colleague A</i>

	<p>Found not proved.</p> <p>The Committee noted that you and ex-Colleague A had a good friendship. It was not satisfied that it received any evidence to indicate that you used your position of seniority within the Practice to take advantage of her. Accordingly, it found this allegation not proved.</p>
10.	<p><i>Between 8 September 2021 and 10 September 2021, you failed to treat other members of the dental team with dignity and respect by accusing them of theft.</i></p> <p>Found not proved.</p> <p>This allegation relates to money that you say went missing from a cash tin at the Practice. You stated in your witness statement that on the morning of 9 September 2021, you checked the cash tin and £100 was missing. You stated that you said that the matter needed to be investigated, but that you did not accuse anyone of stealing the money.</p> <p>The only evidence before the Committee that you suggested that a member of the dental team had stolen the money was that of Colleague C. However, having discounted her evidence in many other respects, the Committee concluded that it could not rely on this aspect of her account. This is because the Committee considered that Colleague C tended to report her interactions with you in a more negative way when compared with some of the other witnesses.</p> <p>The Committee had regard to the account of Colleague F, whom it found to be more balanced and consistent in her evidence, in which she mentions you suggesting that the money had been stolen and making enquiries. Colleague F did not state that you said that a member of the dental team had taken it.</p> <p>The Committee also found that you were clear in stating in your oral evidence that you did not accuse any member of the dental team. You further stated that there were others, besides the dental team, who worked in and around the Practice who had access to where the cash tin was kept.</p> <p>The Committee considered that it was not improper for you to suggest that a reasonable explanation for the money going missing was because someone had taken it. The Committee acknowledged that the members of the dental team who were present during your enquires may well have felt that you were accusing them of stealing. However, it was not satisfied that it is proved that you accused them. The Committee's view of the evidence was that you were annoyed about the missing money, and that as one of the Practice owners, you were seeking answers. This head of charge is not proved.</p>
11.	<p><i>You breached the conditions imposed by an Interim Orders Committee on 2 November 2021, as varied on 26 April 2022, in that you were present at the [REDACTED] branch of the Practice outside of the hours permitted by condition 12 (read together with condition 8) on one or more of the following dates:</i></p>
11(a).	<p>25 May 2022</p> <p>Admitted and found proved.</p>
11(b).	<p>13 July 2022</p> <p>Admitted and found proved.</p>

11(c).	27 July 2022 Admitted and found proved.
11(d).	17 August 2022 Found proved. The Committee noted the information contained in an exhibit provided by Colleague A, which showed a text message communication about you being in the Practice car park at 8.47am, supposedly on 17 August 2022. This was outside of the hours permitted by the IOC conditions imposed on your registration at the time. The Committee noted that this evidence was not challenged by you. In all the circumstances, the Committee was satisfied that head of charge 11(d) is proved.
11(e).	24 August 2022 Admitted and found proved.
11(f).	31 August 2022 Admitted and found proved.
11(g).	7 September 2022 Admitted and found proved.

39. The hearing now moves to Stage Two.

Stage Two of the hearing – 15, 18 and 19 March 2024

Mr Willis,

40. This Professional Conduct Committee hearing of your case commenced on 11 March 2024, with the majority of the proceedings held in person at the Dental Professionals Hearings Service. With the agreement of both parties, the handing down of this Stage Two determination is being undertaken remotely today, 19 March 2024, by Microsoft Teams video-link.

41. The Committee's task at this second stage of the hearing has been to consider whether the facts found proved against you amount to misconduct, and if so, whether your fitness to practise is currently impaired by reason of that misconduct. The Committee noted that if it found current impairment, it would need to consider what sanction, if any, to impose on your registration.

42. The Committee considered all the evidence presented to it at the fact-finding stage, [IN PRIVATE]. It also considered the additional evidence it received at this stage, which comprised your written reflections, a report from your former Clinical Supervisor, who is your Reporter under your interim conditions, your Postgraduate Diploma in Orthodontics for General Practice, and the evidence of your further ongoing postgraduate study in Dental Risk Mitigation. You also gave further oral evidence at this stage.

43. The Committee took account of the submissions made by Ms Hollos, Counsel for the GDC, and Mr Rich, Counsel on your behalf, in relation to misconduct, impairment and sanction.

44. The Committee accepted the advice of the Legal Adviser. It reminded itself that its decisions were for its independent judgement. There is no burden or standard of proof at this stage of the proceedings.

Summary of the facts found proved

45. The facts found proved in this case, the majority of which you admitted, concern your conduct over the period 2019 to 2023, whilst working as a dentist and co-owner of the Practice.

46. The Committee's findings cover three broad areas, namely your breach of patient confidentiality involving one patient, your conduct and behaviour towards a number of your dental colleagues at the Practice, and your breach of an interim conditions of practice order imposed on your registration by the Interim Orders Committee.

47. In relation to the issues concerning the patient, Patient A, you admitted, and the Committee found proved that you breached patient confidentiality when, in May 2020, you made an entry on the Practice's social media page in response to a comment made by the patient, in which you included confidential information. You initially denied having posted the entry, which you admitted was misleading and dishonest conduct.

48. With regard to your conduct towards your colleagues at the Practice, the evidence was that there had been a breakdown in your business relationship with Colleague A, as well as a strain on your professional relationships with other members of the dental team. The Committee's findings, based on your own admissions, included your sending of unprofessional and inappropriate messages outside of working hours to Colleague A and to another member of the team, Colleague B. You admitted that the messages you sent to Colleague B were also threatening in nature.

49. In addition, the Committee found proved that you criticised or implied criticism of a further colleague, Colleague C, for her involvement in referring allegations against you to the GDC. The Committee found that your conduct in this regard was also unprofessional and inappropriate. In the Committee's view, it was not for you, the subject of a third party complaint, to interfere with the process of referring the matters to your regulatory body.

50. In relation to a fourth colleague, Colleague E, the Committee found proved that you used words in a conversation with him that were threatening in nature. The Committee decided that what you said to Colleague E implied that you would have hit Colleague A had he been present at the Practice at the time. The Committee took into account your evidence that your words were taken out of context by Colleague E. However, it considered the matter objectively, and determined that your words were threatening, and that Colleague E took them to be threatening.

51. The Committee also made findings in relation to your conduct towards ex-Colleague A. You admitted that in December 2019, on a coach home from the Christmas party, you placed your hand on ex-Colleague A's thigh. Whilst it was noted that you had a good friendship with ex-Colleague A,

within which there was a certain amount of tactile contact, the Committee found proved that your placing of your hand on her thigh in the context of that coach journey, in front of other colleagues, was without her consent and you did not reasonably believe that she consented.

52. Finally, the Committee found proved that on seven occasions from May to September 2022, six of which you admitted, you breached the interim conditions imposed on your registration by the Interim Orders Committee on 2 November 2021 (as varied on 26 April 2022), in that you were present at a branch of the Practice outside the hours permitted by the conditions.

Summary of parties' submissions

53. Ms Hollos submitted that misconduct is made out in this case, as the facts found proved represent serious acts and omissions on your part which breached the GDC's '*Standards for the Dental Team (effective from September 2013)*' (the GDC Standards). In particular, she drew to the Committee's attention the obligations set out in Standards 1.2, 1.3, 4.2, 6.1, 6.1.2, and 8.3. Ms Hollos highlighted in her submissions your conduct in breaching patient confidentiality and your failure to treat dental colleagues fairly and with respect.

54. In relation to impairment, it was Ms Hollos' submission that your fitness to practise is currently impaired by reason of misconduct. She submitted that the proven facts are sufficiently serious such that a finding of impairment is necessary to uphold public confidence in the dental profession. Ms Hollos stated that the findings made against you include significant departures from the expected standards, the most serious of which, she submitted, were your dishonesty, your engaging in threatening behaviour towards a colleague and your failure to respect a regulatory obligation under your interim conditions.

55. Ms Hollos invited the Committee to consider imposing a substantive order of suspension on your registration for a period of 12 months. She submitted that a number of the factors relevant to suspension are present in this case, including evidence of a repetition of the concerns over a period of time. Further, Ms Hollos submitted that, given the gravity of the Committee's findings, the public interest would be insufficiently protected by a lesser sanction than suspension.

56. Mr Rich told the Committee that you accepted that a finding of misconduct is justified in respect of the facts found proved, with two exceptions. It was his submission that your discussion with Colleague C about the referral of allegations against you to the GDC did not cross the threshold for a finding of misconduct. He stated that you acknowledged that you should never have had the conversation with Colleague C. Mr Rich stated that it was not your intention to act to discourage a culture of reporting, as suggested by the GDC, and that there was no reluctance at the Practice in relation to the reporting of complaints. Similarly, Mr Rich submitted that your placing of your hand on ex-Colleague A's thigh in the context found proved, was not so serious as to warrant a finding of misconduct. He submitted that the evidence was consistent with a momentary and thoughtless act between friends who would normally engage in physical contact, albeit in private.

57. Mr Rich also told the Committee that you accepted that a finding of impairment was inevitable in all the circumstances. He submitted, however, that this did not obviate the need to put this case in its proper context. He asked the Committee to take into account the background information that

a “toxic” personal and business dispute arose between you and other members of the management team at the Practice. [IN PRIVATE].

58. Mr Rich addressed in detail the individual findings made by the Committee. It was his submission that you have remedied the concerns reflected in the facts found proved, and that there should be no fear that you would repeat them, or that there would be any risk to patient safety, or any difficulty caused for colleagues. Mr Rich invited the Committee to have regard to your written reflections in which, he stated, you have acknowledged what you did wrong and have accepted accountability. He highlighted that this included your reflections disconnecting your social interactions from your work relationships.

59. In relation to your future intentions, Mr Rich told the Committee that you have decided that practice management and ownership are no longer for you. He stated that you wish to confine your work to practice as a dentist for an employer and to develop your skills in Orthodontics. [IN PRIVATE].

60. [IN PRIVATE].

61. It was Mr Rich’s submission that you have reflected on the matters that brought you before your regulatory body in a reasonable and thorough way. He stated that the fitness to practise process has taken the best of two and a half years and has had a significant impact on you. He submitted that you are unlikely to find yourself in the same position again and therefore the risk of repetition is low. Mr Rich submitted that it was not necessary to reach a finding of impairment on public safety grounds.

62. However, it was accepted on your behalf that your fitness to practise is currently impaired on wider public interest grounds. Mr Rich stated that you acknowledged the potential for the matters raised in this case to damage public trust and confidence in the dental profession.

63. In relation to sanction, Mr Rich submitted that a substantive conditions of practice order would meet the public interest. He submitted that an order of conditions would serve to mark your conduct, ensure that your remediation is embedded, and reassure the public that you are being monitored. Mr Rich put forward a number of suggested conditions for the Committee’s consideration.

Decision on misconduct

64. The Committee considered whether the facts found proved in this case amount to misconduct. It took into account that a finding of misconduct in the regulatory context requires a serious falling short of the professional standards expected of a registered dental professional. The Committee had regard to the GDC Standards and was satisfied that the following paragraphs are engaged in this case:

- 1.2 Treat every patient with dignity and respect at all times.
- 1.3 Be honest and act with integrity.

- 4.2 Protect the confidentiality of patients' information and only use it for the purpose for which it was given.
- 6.1 Work effectively with your colleagues and contribute to good teamwork.
 - 6.1.2 You must treat colleagues fairly and with respect, in all situations and all forms of interaction and communication. You must not bully, harass, or unfairly discriminate against them.
- 8.3 Make sure if you employ, manage or lead a team that you encourage and support a culture where staff can raise concerns openly and without fear of reprisal.

65. In determining whether the aspects of your conduct found proved represented serious departures from the above GDC Standards, the Committee considered its findings individually.

66. In relation to your breaching of Patient A's confidentiality, the Committee took into account that this was a spontaneous unprofessional act, which you tried to correct shortly afterwards. However, respecting and maintaining patient confidentiality is a fundamental professional requirement, and therefore your behaviour in posting confidential information relating to a patient on the Practice's social media page was sufficiently serious to amount to misconduct. The Committee also concluded that your associated dishonesty in initially denying that you made the social media entry amounted to misconduct. The Committee took into account that there is a spectrum of dishonesty, and it considered that your dishonesty was at the lower end of the spectrum. It noted that your denial only persisted over a short period of time, after which you fully admitted what you had done. Nevertheless, it was the view of the Committee that any dishonesty exhibited by a dental professional is a serious falling short of the standard expected.

67. The Committee next considered your sending of the messages, set out in Schedule A to the charge, to Colleague B. These messages were sent outside of working hours, but the Committee considered that sending messages of that nature, including threatening messages, would have been inappropriate and unprofessional at any time. In the Committee's view, this matter is the most serious of all the matters found proved. It noted the significant impact of your behaviour on Colleague B [IN PRIVATE]. Your conduct towards Colleague B also served to escalate your dispute with Colleague A and Colleague D. In the Committee's judgment your sending of the messages in question to Colleague B amounted to misconduct.

68. Contrary to the submissions made on your behalf, the Committee was of the view that your conversation with Colleague C, about her involvement in the referral of allegations against you to the GDC, was misconduct. The Committee considered that, whatever your intention, the potential impact of such interference would be to discourage a fellow colleague from acting as professionally required.

69. The Committee was further satisfied that what you said to Colleague E regarding hitting Colleague A was misconduct. Your comment was taken to be threatening by Colleague E, and was not, in the Committee's judgment, conduct expected of a registered dental professional.

70. The Committee went on to consider its findings in relation to your placing of your hand on ex-Colleague A's thigh. [IN PRIVATE]. The Committee bore in mind that its findings in respect of these matters were made in the context of your friendship with ex-Colleague A which involved a certain amount of physical contact in private. Whilst the Committee acknowledged that she did not consent to your placing your hand on her thigh in front of colleagues, it was not satisfied, when taking all the evidence into account, that your behaviour crossed the threshold for a finding of misconduct.

71. In relation to the messages that you sent to Colleague A, the Committee considered that your conduct in pursuing your business dispute out of hours caused distress to him and added to the "toxic" atmosphere within the Practice. The Committee concluded that this was conduct that was sufficiently serious as to amount to misconduct.

72. Finally, the Committee had regard to your seven breaches, between May and September 2022, of the interim conditions of practice order imposed on your registration by the Interim Orders Committee. Whilst the Committee took into account that these breaches may have been as a result of your carelessness, as you asserted in your evidence, an interim order is something to be taken seriously. Your breaches, which were repeated and continued over a considerable period of time, gave the impression that you did not take seriously the regulatory obligation in question. The Committee was satisfied that your behaviour in this respect crossed the threshold for a finding of misconduct.

73. In all the circumstances, the Committee determined that misconduct is made out on all the facts found proved, with the exception of those findings made in relation to your conduct towards ex-Colleague A.

Decision on impairment

74. The Committee next considered whether your fitness to practise is currently impaired by reason of your misconduct. It had regard to the over-arching objective of the GDC, which is: the protection, promotion and maintenance of the health, safety, and well-being of the public; the promotion and maintenance of public confidence in the dental profession; and the promotion and maintenance of proper professional standards and conduct for the members of the dental profession.

75. In reaching its decision, the Committee had regard to your written reflections. It noted the regret you expressed at your breach of Patient A's confidentiality. You stated that *"I Understand the vital importance of confidentiality which is an essential part of ensuring that the public have trust in the profession; and by disclosing the patient's dental history I have caused him embarrassment and distrust of the practice and the Dental Profession as a whole..."*.

76. In relation to the other aspects of your misconduct, the Committee took into account the context in which most of those proven matters arose. It acknowledged the evidence of the "toxic" nature of your business and professional relationships with certain colleagues, and that your misconduct involved the coming together of a number of different issues. The Committee had regard to your written reflections and noted what have said about the mistakes you made. In particular, the Committee noted that you stated that you *"sincerely and deeply regret"* sending the messages to Colleague B. You recognised the impact that this behaviour had on her, but also on other colleagues.

77. In general, in relation to your inappropriate contact and communications outside of office hours, you stated that *"I sent some upsetting messages, but also put additional strain upon the team over work issues and impacted their personal time. I have ensured over the last two years that this is no longer an issue and understand that when messaging is necessary that I communicate during business hours and that the messages are appropriate and professional"*.

78. The Committee took into account the steps that you have taken to ensure that you do not find yourself in such situations again, including removing yourself from the Practice. **[IN PRIVATE]**.

79. The Committee noted that you do not explicitly address in your written reflections the issue of your discussion with Colleague C about her involvement in referring allegations against you to the GDC. However, the Committee noted the submissions made on your behalf regarding your acceptance of its findings on the matter, including your acceptance of why such conduct was found to be unprofessional and inappropriate. In the circumstances, the Committee did not consider there to be a significant flaw in the level of your understanding of this matter.

80. The Committee also noted the submissions made on your behalf in relation to your breaches of the interim order and accepted that you now understand how your behaviour would appear to a member of the public.

81. Overall, the Committee considered that you have demonstrated good insight into the concerns raised, both in your witness statement and in your written reflections. It also took into account your admissions made at the outset of the hearing, including in relation to your dishonesty and your sending of threatening messages to a colleague. The Committee was satisfied that the level of insight you have shown is adequate to preclude any real risk of repetition. It therefore determined that a finding of current impairment is not necessary in this case on the grounds of public safety.

82. However, your misconduct breached a number of fundamental professional standards, including in relation to patient confidentiality, honesty, working effectively with colleagues and treating them fairly and with respect, and encouraging a culture where staff can raise concerns openly and without fear of reprisal. Whilst the Committee took into account that you were not solely responsible for the difficult environment that prevailed at the Practice, in its view, you played a significant part in the dispute, and this had a considerable impact on a number of your colleagues. The Committee also took into account your repeated breaches of the interim conditions of practice order imposed on your registration.

83. Having had regard to all the circumstances, the Committee determined that a finding of current impairment is required in the wider public interest. It considered that public confidence in the dental profession would be undermined if such a finding were not made. The Committee also bore in mind the need to promote and maintain proper professional standards.

84. Accordingly, the Committee determined that your fitness to practise is impaired by reason of your misconduct.

Decision on sanction

85. The Committee next considered what sanction, if any, to impose on your registration. It noted that the purpose of a sanction is not to be punitive, although it may have that effect, but to uphold the wider public interest. In reaching its decision, the Committee had regard to the *'Guidance for the Practice Committees including Indicative Sanctions Guidance (Effective from October 2016; last revised in December 2020)'* ('the Guidance'). It applied the principle of proportionality, balancing the public interest with your own interests.

86. In deciding on the appropriate sanction, the Committee first considered the issue of mitigating and aggravating factors. In mitigation, it took into account the following:

- The evidence of the circumstances leading up to the incidents in question, including the "toxic" nature of your business and professional dispute with certain colleagues [IN PRIVATE].
- The evidence of your insight and the remedial action you have taken, including recognising the need to distance yourself from the matters that contributed to your misconduct [IN PRIVATE].
- Your previous good character in that no fitness to practise history has been drawn to the Committee's attention.
- The evidence of your remorse, insight, and your given apologies.
- The evidence of steps taken to avoid a repetition.

87. The Committee also identified the following aggravating factors:

- The harm caused to one colleague and the distress caused to other colleagues.
- Your dishonesty, albeit at the lower end of the spectrum.
- That your misconduct was sustained or repeated over a period of time.
- Your careless disregard for the seriousness of an interim restriction imposed on your registration by the Interim Orders Committee.

88. Taking all the above factors into account, [IN PRIVATE], the Committee considered the available sanctions. It started with the least restrictive, as it is required to do.

89. The Committee noted that it was open to it to conclude this case without taking any action in relation to your registration, but it concluded that such an outcome would not serve to maintain public confidence in the dental profession or to uphold proper professional standards.

90. The Committee next considered whether to issue you with a reprimand. It had regard to paragraph 6.9 of the Guidance, and it noted that a number of the factors for issuing a reprimand are

present in this case. However, the Committee considered the gravity of its findings and concluded that a reprimand would not be sufficient to address the seriousness of your misconduct. It therefore determined that a reprimand would not satisfy the wider public interest.

91. In considering whether to impose a conditions of practice order on your registration, the Committee took into account the submissions made on your behalf. However, in its judgment, this is not a case in which conditional registration would be appropriate or proportionate. The impairment found in this case relates to the wider public interest, as opposed to any concerns about your clinical practice, which may have made conditional registration applicable. It was the view of the Committee that it could not formulate any conditions that would be relevant to the various aspects of your past behaviour. It concluded that a substantive order for conditions would not address the identified wider public interest considerations.

39. Accordingly, the Committee considered whether to impose a suspension order on your registration for a specified period not exceeding 12 months. The Committee had regard to paragraph 6.28 of the Guidance, which sets out the factors to be considered when deciding whether the sanction of suspension is appropriate in more serious cases. The Committee considered the relevant factors for suspension to be engaged in this case:

- There is evidence of repetition of the behaviour, in that aspects of your misconduct were repeated and/or persisted over a period of time.
- 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, given that you have demonstrated good insight into your misconduct.

92. Having noted the presence of these factors from paragraph 6.28 and having taken into account all the evidence presented to it, the Committee was satisfied that the most appropriate and proportionate sanction in this case is a suspension order. The Committee bore in mind that the removal of your ability to practise is a serious outcome, but it considered that such action is required to maintain public confidence in the dental profession and to declare and uphold proper professional standards.

93. In reaching its decision, the Committee took into account that the sanction of erasure was available to it. However, it had regard to the identified mitigation in this case, including your good insight, your remediation, genuine remorse, and your apology. [IN PRIVATE]. In all the circumstances, the Committee concluded that the erasure of your name from the Dentists Register would be disproportionate, punitive, and would remove an otherwise competent dental practitioner from clinical practice. The Committee noted that neither party advocated the sanction of erasure.

94. The Committee has determined to suspend your registration for a period of four months. In deciding on this period, the Committee took into account its duty to act proportionately. It was satisfied that a four-month suspension is sufficient to mark the seriousness of your misconduct and to send a clear declaration that such behaviour will not be tolerated within the dental profession.

95. Given that the Committee is content with the level of your insight and remediation, its decision to suspend your registration is purely declaratory. Accordingly, the Committee does not direct a review of this case.

96. Unless you exercise your right of appeal, your registration will be suspended for a period of four months, starting 28 days from the date when notice of this Committee's direction is deemed to have been served upon you.

97. The Committee now invites submissions from both parties as to whether an immediate order of suspension should be imposed on your registration to cover the 28-day appeal period, pending its substantive determination for suspension taking effect.

Decision on an immediate order – 19 March 2024

98. In reaching its decision on whether to impose an immediate order of suspension on your registration, the Committee took into account that Ms Hollos did not apply for such an order on behalf of the GDC, given that the Committee's finding of impairment in this case is based on wider public interest grounds only.

99. Mr Rich did not make any submissions on the matter of an immediate order.

100. The Committee accepted the advice of the Legal Adviser, who advised that, notwithstanding the absence of an application by the GDC, it was a matter for the Committee whether an immediate order of suspension should be imposed.

101. The Committee determined that the imposition of an immediate order of suspension is not required in this case. It has found that there is no real risk of repetition in this case, and as such you do not pose a risk to the public. The imposition of the substantive four-month period of suspension is purely declaratory. In these circumstances, the Committee was satisfied that there would be no risk to public confidence in the profession or any failure to uphold professional standards in the absence of an immediate order.

102. The interim order currently in place on your registration is hereby revoked.

That concludes this determination.