

**Professional Conduct Committee
Initial Hearing**

17 - 20 July 2023

Name: SHAW, Susan

Registration number: 146655

Case number: CAS-187118

General Dental Council: David Patience, counsel
Instructed by Saba Khan, IHLPS

Registrant: Not present and unrepresented

Fitness to practise: Impaired by reason of misconduct and conviction

Outcome: Erased

Immediate order: Immediate suspension order

Committee members: Nora Nanayakkara (Chair, lay member)
Louise Gilbert (Registrant member)
Claire Lawson (Registrant member)

Legal adviser: Trevor Jones

Committee Secretary: Sara Page

Preliminary matters

1. On 17 July 2023, the Chair made a statement regarding the following preliminary applications as set out immediately below:

Decision on service of Notice of Hearing

2. The Committee was informed at the start of this hearing that Miss Shaw was neither present nor represented at today's hearing.
3. In her absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Miss Shaw in accordance with Rules 13 and 65 of the '*General Dental Council (Fitness to Practise) Rules Order of Council 2006*' ('the Rules').
4. The Committee had regard to the indexed hearing bundle of 171 pages, which contained a copy of the Notice, dated 9 June 2023. The Notice was sent to Miss Shaw's registered address by Special Delivery on 9 June 2023, in accordance with Section 50A of the '*Dentists Act 1984*' (as amended) ('the Act') and via email on the same date.
5. The Committee was satisfied that the Notice contained proper and correct information relating to today's hearing. This included the time, date and that it is being conducted remotely via Microsoft Teams, as well as notification that the Committee has the power to proceed with the hearing in Miss Shaw's absence.
6. Whilst it is not a requirement of the Rules, the Committee had sight of an extract from the Royal Mail 'Track and Trace' service which showed the item was delivered to Miss Shaw's registered address on 10 June 2023. It was signed for against the printed name of 'S SHAW'. The Committee also noted that a download receipt had been provided for the email.
7. In light of the information available, the Committee was satisfied that Miss Shaw has been served with proper notification of this hearing, at least 28 days before its commencement, in accordance with the Rules.

Decision on whether to proceed in the absence of Miss Shaw

8. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Miss Shaw and any representative on her behalf. The Committee was mindful that its decision to proceed in the absence of Miss Shaw must be handled with the utmost care and caution. Mr Patience referred the Committee to the relevant case law to assist the Committee in its decision making. The Legal Adviser reminded the Committee of the requirement to be fair to both parties, as well as considering the public interest in the expeditious disposal of this case.
9. The Committee noted the email from Miss Shaw, dated 7 July 2023, which stated: "*I will not be attending this hearing.*"
10. The Committee noted that no application for an adjournment had been made by Miss Shaw and there was no information before the Committee that adjourning would secure her attendance at a later date. On the basis of the information before it, the Committee concluded that Miss Shaw had voluntarily absented herself from today's hearing.
11. In all these circumstances, the Committee determined that it was fair and in the public interest to proceed with the hearing in the absence of Miss Shaw.

Decision and reasons on the facts

12. The Committee considered all the evidence presented to it and took account of the submissions made by Mr Patience on behalf of the GDC. The Committee accepted the advice of the Legal Adviser. It considered each head of charge 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 facts are proved on the balance of probabilities.

Evidence

13. The Committee had regard to a number of documents which included the following:
- Extract of conviction, dated 17 June 2022;
 - Miss Shaw's observations regarding the Case Examiner's decision, dated 3 October 2022 and further observations made by email on 7 July 2023; and
 - Witness statements of:
 - Witness 1 – Senior Paralegal, ILPS at the GDC (dated 6 March 2023) and exhibits; and
 - Witness 2 – Business Manager at NHS Fife Public Dental Service (dated 6 March 2023) and exhibits.

Committee's findings

14. The Committee's findings in relation to each head of charge are as follows:

Charge 1

"That being registered as a dental care professional, on 1 March 2022, you were convicted at Kirkcaldy Sheriff Court of the embezzlement of £26,943.98 from NHS Fife, between 4 April 2012 and 4 January 2017, whilst employed as a dental nurse."

PROVED

15. In coming to its decision, the Committee bore in mind all the evidence in this case, along with the advice provided by the Legal Adviser and the relevant case law referred to.
16. Mr Patience informed the Committee that at the time of the offence Miss Shaw was employed by NHS Public Dental Service. She was employed as a trainee dental nurse in 2006, qualifying in 2008. As part of her employment, Miss Shaw worked at various sites across the NHS Board area. In 2010 she started work at the Queen Margaret Hospital Dental Anesthetic Clinic where she was responsible for banking patients' payments from the clinic.
17. Mr Patience stated that during the period over which the charges occurred, Miss Shaw embezzled money to the value of £26,943.98. This came to light on 6 April 2017 when she was asked to account for monies from the clinic which should have been deposited in the Board's account by her.
18. Mr Patience confirmed that following the conclusion of the Board's internal investigation, Miss Shaw was dismissed from her employment for gross misconduct on 31 January 2018 and was reported to the police.
19. The Committee had regard to the Extract of Conviction, dated 17 June 2022, which stated:

"Between 04 April 2012 and 04 January 2017, both dates inclusive, at the Queen Margaret Hospital Dental Anaesthetics Clinic, Whitefield Road, Dunfermline, Fife and elsewhere SUSAN SHAW... did while employed as a Dental Nurse embezzle £26,943.98 or thereby of money.

The accused pled Guilty to charge 1 (Amended)."

20. The Committee noted the provisions of Rule 57(5), as follows:

“(5) Where a respondent has been convicted of a criminal offence—

- (a) a copy of the certificate of conviction, certified by a competent officer of a court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
- (b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.”*

21. In the light of this evidence, and the provisions of the Rules, the Committee was satisfied that Miss Shaw has been convicted of embezzlement and therefore finds **Charge 1 proved.**

Charge 2

“...You failed to immediately inform the GDC that on 1 March 2022 you had been convicted of the offence set out at charge 1 above.”

PROVED

22. Mr Patience submitted that the GDC first became aware of Miss Shaw’s conviction on 3 March 2022 as a result of an email from a Senior Counter Fraud Specialist at the Counter Fraud Services, stating that Miss Shaw had pled guilty to embezzlement and was due to be sentenced on 30 March 2022. On 31 March 2022, he confirmed that Miss Shaw had been sentenced for embezzlement. The Senior Counter Fraud Specialist confirmed in a further email dated 3 March 2023 that he had not informed Miss Shaw at any point that he would inform the GDC that she had been convicted.

23. In his statement, Witness 1 confirmed that he searched the GDC case management database and that no correspondence from Miss Shaw had been received notifying the GDC of her conviction.

24. In its deliberations, the Committee acknowledged that all registrants have an ongoing responsibility to inform the GDC if they are subject to any criminal proceedings, pursuant to Standard 9.3 of the GDC document, ‘Standards for the dental team’ (the Standards’), as follows:

9.3.1: You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world

25. The Committee accepted the evidence from Witness 1 that Miss Shaw did not inform the GDC of her conviction and that all registrants have a responsibility to inform the GDC of any criminal proceedings they become subject to, including any convictions.

26. Accordingly, the Committee finds **Charge 2 proved.**

Charge 3

“...Your conduct in relation to charge 2 was:

- a) Misleading*
- b) Dishonest”.*

PROVED in its entirety

27. In consideration of Charge 3(a), the Committee considered that the purpose of the duty on registrants to declare convictions is to ensure the integrity of the Register and to enable checks on the suitability of registrants. By failing to immediately declare that she had been subject to criminal proceedings and convicted, Miss Shaw could have caused the Register to reflect misleading information as to her

circumstances. Members of the public, the regulator, and (prospective) employers could have been misled.

28. The Committee noted that there does not have to be an intention to mislead in order that a registrant's conduct is misleading.
29. Therefore, the Committee was satisfied that by failing to immediately inform the GDC of her conviction, Miss Shaw's conduct was misleading.
30. Accordingly, the Committee found **Charge 3(a) proved**.
31. In coming to its decision in relation to Charge 3(b), the Committee noted Mr Patience's submission that by failing to inform the GDC of her conviction, Miss Shaw's conduct would be regarded as dishonest by the standards of reasonable people.
32. The Committee also bore in mind the advice provided in the GDC document, 'Guidance for the Practice Committees including Indicative Sanctions Guidance'. In this regard, it noted the section entitled 'Dishonesty' and that when making decisions on charges involving dishonesty, the Committee must first establish whether or not the conduct took place, and if so, what Miss Shaw's state of mind was at the time.
33. The guidance provided that the Committee should also consider the following:
 - *What were the facts at the time;*
 - *What was the Registrant's knowledge or belief as to those facts;*
 - *Whether the Committee considers that the Registrant's actions were, objectively, dishonest (i.e. dishonest according to the standards of ordinary decent people), or*
 - *Whether there is evidence of alternative explanations, and if so, which is more likely (on the balance of probabilities)*
34. When determining whether Miss Shaw's conduct amounted to dishonesty in relation to head of Charge 2, the Committee applied the test set out in the case of *Ivey v Genting Casinos (UK) Ltd. t/a Crockfords [2017] UKSC 67*. It noted it should first consider the actual state of Miss Shaw's knowledge or belief as to the facts at the time. It should then go on to consider whether Miss Shaw's conduct in failing to declare her conviction immediately would be viewed as dishonest by the objective standards of ordinary and decent people.
35. The Committee noted that Miss Shaw has not engaged with today's proceedings and has not provided an explanation for her failure to declare her conviction. In the absence of any explanation, the Committee noted that she would have been aware of her responsibilities as a registered professional and concluded that an ordinary, decent member of the public would readily recognise that Miss Shaw was under a duty to advise the GDC of her conviction. This is particularly so as the conviction related to embezzlement of a considerable sum of public money due to the NHS Trust over a number of years and was directly related to her employment as a dental nurse. The Committee concluded that an ordinary decent member of the public would find Miss Shaw's failure in all the circumstances of this case to be dishonest.
36. Therefore, the Committee determined that by failing to immediately inform the GDC of her conviction for embezzlement, Miss Shaw had acted dishonestly and found **Charge 3(b) proved**.

Decision on impairment and sanction

37. Having announced its decision on the facts, the Committee then moved on to consider whether the heads of Charges 2 and 3 amount to misconduct and, if so, whether Miss Shaw's practice is currently impaired by reason of that misconduct and/or her conviction. In accordance with Rule 20 of the

Fitness to Practise Rules 2006, the Committee heard submissions from Mr Patience, on behalf of the GDC, in relation to matters of misconduct, impairment and sanction.

38. The Committee heard and accepted the advice of the Legal Adviser.

Evidence

39. Mr Patience confirmed that there is no further evidence at this stage for the Committee to consider. The Dental Professionals Hearings Service (DPHS) confirmed that no further correspondence had been received from Miss Shaw since she was sent a copy of the Stage 1 determination.

Submissions

40. Before moving on to his submissions regarding misconduct, impairment and sanction, Mr Patience stated that Miss Shaw does not have any previous adverse fitness to practise findings against her.
41. In relation to misconduct, Mr Patience referred the Committee to a number of relevant cases which may assist the Committee in its decision making. These included: *Council for the Regulation of Healthcare Professionals v General Medical Council & Biswas* [2006] EWHC 464 (Admin), *Roylance (No. 2) v General Medical Council* [2000] AC 311 PC, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), *Cohen v General Medical Council* [2008] EWHC 581 (Admin), *Council for Healthcare Regulatory Excellence v (1) Nursing & Midwifery Council (2) and Grant* [2011] EWHC 927.
42. Firstly, Mr Patience submitted that Miss Shaw's conduct represented a breach of a number of the standards of the profession, which he stated demonstrated a falling short of what would be proper in the circumstances particularly as several of those breaches are fundamental tenets of the dental profession.
43. Secondly, Mr Patience submitted that a registrant who dishonestly failed to declare that they had sustained a criminal conviction and had misled the GDC, as well as potentially having misled the public and potential employers, had demonstrated conduct that would be considered deplorable by fellow practitioners. Mr Patience stated that the Register is the cornerstone of the profession as it enables members of the public to have confidence in the members listed upon it. He submitted that if the public cannot have confidence in the Register, then all members of the profession will suffer.
44. For those reasons, Mr Patience invited the Committee to consider that the heads of Charges 2 and 3 amount to misconduct.
45. Moving on to impairment, Mr Patience submitted that there was a distinct statutory ground for impairment with respect to head of Charge 1 and invited the Committee to find that Miss Shaw's fitness to practise is impaired by virtue of her conviction.
46. Mr Patience submitted that impairment by misconduct, in respect of head of Charges 2 and 3, is a matter for the Committee's judgement and does not need to be proved. He submitted that the Committee should consider the ongoing risk to the public and whether the registrant has remediated their conduct. Mr Patience submitted that the risk to the public is not the only consideration for the Committee and it must also consider the public interest.
47. Mr Patience acknowledged that Miss Shaw does demonstrate some remorse and regret in her email dated 3 October 2022. However, he submitted that the Committee may consider this apology to be brief and that it does not go into the same level of detail as a reflective piece which might include more detail on how the criminality came to take place, the risk factors involved, and how such conduct could be avoided in the future. He submitted that the lack of evidence of remediation gives rise to a risk of repetition in the future.
48. Mr Patience submitted that given the risk of repetition, there is a risk of harm to the public if the conduct were repeated and financial damage was caused to another Trust. There is also likely to be

a negative impact upon other colleagues and their livelihood, as well as ongoing patient care if funding for that organisation is diminished. Therefore, Mr Patience invited the Committee to make a finding of impairment on the ground of patient safety.

49. Mr Patience stated that it is very clearly in the public interest to make a finding of impairment in order to declare and uphold proper professional standards and to maintain public confidence. Mr Patience submitted that if a finding of impairment were not made, members of the public would be surprised, dismayed, and shocked in circumstances where a large sum of money had been embezzled by a dental professional and the GDC had dishonestly been misled by a failing to declare a conviction.
50. Accordingly, Mr Patience invited the Committee to find Miss Shaw's fitness to practise impaired on the grounds of both public safety and the public interest.
51. In relation to sanction, Mr Patience referred the Committee to the GDC document, '*Guidance for the Practice Committees including Indicative Sanctions Guidance (2016)*' (the ISG) and outlined what the GDC considered to be the aggravating and mitigating circumstances in this case.
52. Mr Patience took the Committee through the possible sanctions in ascending order. He submitted that neither no further action nor a reprimand would be appropriate as the issues in this case are not at the lower end of the spectrum of seriousness. In relation to conditions, he submitted that such a sanction would be more appropriate in a case which concerned clinical shortcomings and would not offer adequate protection in a case such as this, where the public interest is engaged. Furthermore, the Committee had nothing before it, he submitted, to indicate that Miss Shaw would comply with conditional registration. In relation to suspension, he submitted that this would not be suitable as deep-seated attitudinal problems are demonstrated by the significant dishonesty committed over a prolonged period in this case. He stated that Miss Shaw continues to pose a significant risk of repeating her previous conduct and therefore patient safety and public confidence would not be adequately addressed by the imposition of a suspension.
53. Therefore, Mr Patience submitted that the only appropriate and proportionate sanction is that of erasure. He referred the Committee to paragraphs 6.30 and 6.34 of the ISG. He submitted that Miss Shaw's conduct in this case falls in the category of behaviour that is so damaging to a registrant's fitness to practise and the public confidence in the profession that removal of their status is the only appropriate outcome. He stated that Miss Shaw's conduct was a serious departure from the relevant professional standards and a blatant abuse of her position of trust where she persistently, over nearly a five-year period, embezzled patient payments and on discovery, attempted to cover up her dishonest conduct.
54. In all the circumstances, Mr Patience submitted that Miss Shaw's name should be erased from the Register.

Misconduct

55. In considering whether Charges 2 and 3 amount to misconduct, the Committee had regard to the following principles from '*Standards for the Dental Team (September 2013)*', ('the Standards') in particular:

Standard 1.3: ***You must be honest and act with integrity***

- 1.3.1 *You must justify the trust that patients, the public and your colleagues place in you by always acting honestly and fairly in your dealings with them...*
- 1.3.2 *You must make sure that you do not bring the profession into disrepute.*

Standard 1.7: *You must put patients' interests before your own or those of any colleague, business or organization*

1.7.1 *You must always put your patients' interests before any financial, personal or other gain.*

Standard 9.1 **Ensure that your conduct, both at work and in your personal life, justifies patients' trust in you and the public's trust in the dental profession**

9.3.1 *You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information.*

56. The Committee also had regard to the GDC document, *'Guidance for decision makers on the impact of criminal convictions and cautions'*.
57. The Committee was satisfied that by failing to immediately inform the GDC of her conviction, Miss Shaw fell significantly short of what would be expected of a professional and her conduct would be considered deplorable by fellow practitioners. The Committee took into account that Miss Shaw would have been aware of the necessity to disclose her conviction immediately as this requirement was brought into effect for dental care professionals from 2013 and in September 2013, the GDC had issued specific guidance.
58. In failing to immediately disclose to the GDC that she had been convicted of an offence, the Committee found that Miss Shaw's conduct was misleading and dishonest and would also be considered deplorable by fellow professionals.
59. The Committee accepted Mr Patience's submission that the Register is the cornerstone of the dental profession and that where individuals fail to uphold proper standards of conduct and behaviour and subsequently fail to inform the GDC of a conviction, all members risk suffering diminished status as a result of the public's lack of confidence in the Register and the GDC as its regulator.
60. The Committee is therefore satisfied that the heads of Charges 2 and 3 amount to misconduct.

Impairment on the ground of conviction

61. In relation to Charge 1, the Committee referred to the GDC documents, *'Guidance for decision makers on the impact of criminal convictions and cautions'*. It noted that Miss Shaw has no adverse fitness to practise history and there is no information before the Committee that she did not comply with the terms of her sentence. The Committee considered the nature and seriousness of the conviction, which was directly linked to her employment as a dental nurse, in coming to its decision.
62. The Committee considered that the conviction shows that Miss Shaw was willing to embezzle over £26,000 of patient payments to the NHS Trust over a five-year period. The evidence indicated that Miss Shaw's conduct was not a 'one-off' but involved taking "*small chunks*" of money over a lengthy period of time. This money was entrusted to her by her employer in order that she could deposit it in the NHS Trust's bank account. The Committee considered it significant that the embezzlement only came to light when Miss Shaw moved to a different role within the NHS and the person who took over Miss Shaw's previous role noticed the financial irregularities. The Committee bore in mind Mr Patience's submission that when first confronted, Miss Shaw initially denied the allegations and sought to cover up what she had done by supplying cash sheets which were later found to be fraudulent.
63. Those directly affected by Miss Shaw's crime include her employer, the NHS, and the patients it serves. The Committee bore in mind that the crime took place at Miss Shaw's place of work and

although she initially disputed the allegations, she pled guilty at her court hearing and has not appealed the decision, or the sentence imposed.

64. In her email to the GDC, dated 3 October 2022, Miss Shaw stated, *“I would like to express my most sincere apologies and regret to all those involved in this matter. I am deeply sorry to have broken the trust between myself, my employer and the public. I absolutely understand that the committee must make a decision regarding my future as a registered professional and completely understand I have broken the values of our profession, I again wish to convey my deepest regret and apologies.”* The Committee considered this to be very limited evidence of insight into the nature of the offence or its consequences, and the Committee has not had sight of any evidence of rehabilitative steps taken by Miss Shaw, which might have assisted the Committee in its deliberation of current impairment.
65. Therefore, the Committee determined that Miss Shaw’s March 2022 conviction for embezzling patient payments has not been sufficiently remediated and as such, there is no evidence that mitigates any risk of repetition. The Committee concluded that Miss Shaw remains a risk to the public and the wider public interest in this matter remains high given the nature and seriousness of the offence.
66. Accordingly, the Committee finds Miss Shaw’s fitness to practise is currently impaired as a result of her conviction.

Impairment on the ground of misconduct

67. In light of the case of *Cohen v GMC*, the Committee considered whether Miss Shaw’s misconduct is capable of remediation, whether it had been remedied, and the risk of repetition of similar conduct in the future.
68. The Committee has found that Miss Shaw engaged in dishonest conduct by failing to declare her conviction to the GDC and was satisfied that this formed part of a pattern of dishonest and misleading conduct over a significant period of time which is demonstrative of a serious attitudinal deficiency. The Committee was aware that attitudinal deficiencies are harder to remediate than, for example, a deficiency in clinical skills. In order to establish whether Miss Shaw has demonstrated any insight or remediation into her failure to inform the GDC of her conviction, the Committee revisited the email, dated 3 October 2022, which Miss Shaw provided in response to the Case Examiner’s decision.
69. Beyond this statement, the Committee has no further information or evidence that Miss Shaw has sought to remediate her misconduct or that she has developed insight into her failure. The Committee has not been provided with any information pertaining to why Miss Shaw failed to inform the GDC of her conviction, any understanding of how her misconduct may have affected the profession and whether she is aware of any impact her failure had on public safety and the public’s trust and confidence in the profession and the GDC as its regulator.
70. The Committee took account of the GDC document, *‘Guidance on Reporting Criminal Proceedings’*, in which it stated that *“a failure to inform the GDC of a conviction or caution, or declare one at the point of application for registration is considered very serious. This is because a registrant’s character and conduct since the offence are important issues in the context of assessing their ongoing fitness to practise. Disclosure of such information, therefore, provides a useful factual basis on which to assess whether the offence(s) were indicative of attitudes or personal characteristics which are fundamentally incompatible with professional registration due to the risk they present to the public or the wider public interest.”*
71. The Committee accepted that the GDC must be able to carry out its function of scrutiny effectively, including consideration of the implications of any convictions or cautions on an applicant or registrant’s suitability to be on the register. A failure to disclose a conviction strikes at the heart of the reliability and integrity of the register and prevents the GDC from ensuring that only fit and proper registrants are registered as dental professionals.

72. Therefore, a failure to disclose a conviction or caution may not only impact on the protection of the public, but it may also undermine the public's confidence in the profession and its regulation.
73. As a result of Miss Shaw not having engaged with or attended these proceedings, she has not been able to demonstrate a current motivation or willingness to be on the Register. Based on its findings, the Committee concluded that Miss Shaw has demonstrated serious attitudinal issues with regards to honesty, integrity and acting in a manner that upholds the reputation of the profession. It determined that in the absence of any explanation or mitigation, there is a risk of repetition, the conduct is likely to be repeated and Miss Shaw is currently impaired.
74. The public interest includes the need to uphold and declare proper standards of conduct and behaviour to maintain public confidence in the profession and this regulatory process. The Committee concluded that public confidence would be undermined if a finding of impairment were not made in this case and therefore finds Miss Shaw's fitness to practise impaired on the ground of public interest as a result of her misconduct. It further considered that the risk of an employer, or a member of the public, being misled by an inaccurate entry on the Register could put the public at risk and as a result also finds Miss Shaw's fitness to practise impaired on the ground of public protection.

Sanction

75. In coming to its decision on sanction, the Committee considered what action, if any, to take in relation to Miss Shaw's registration. It took into account the ISG. The Committee reminded itself that any sanction imposed must be proportionate and appropriate and, although not intended to be punitive, may have that effect.
76. The Committee took into account the following aggravating features outlined in the ISG:
- *dishonesty...*
 - *premeditated misconduct;*
 - *financial gain by the Registrant;*
 - *breach of trust;*
 - *misconduct sustained or repeated over a period of time;*
 - *blatant or wilful disregard of the role of the GDC and the systems regulating the profession;*
 - *attempts to cover up wrongdoing.*
77. In addition, the Committee considered that it was a further aggravating feature that the embezzlement took place whilst Miss Shaw was working as a dental nurse for the NHS and that she accessed the money as a result of the trust placed upon her to bank patient payments. The deception was persistent and covered up until the crime was discovered by another member of staff.
78. The Committee also took into account the following mitigating features outlined in the ISG:
- *evidence of previous good character (no previous fitness to practise history);*
 - *evidence of remorse shown...apology given (albeit limited to a single email addressed to the GDC in October 2022).*
79. The Committee had regard to its previous findings on misconduct and impairment in coming to its decision and considered each sanction in ascending order of severity.
80. The Committee first considered whether to take no action or to issue a reprimand but concluded that this would be inappropriate in view of the seriousness of the misconduct and the nature of the conviction in this case. The Committee did not consider the conduct to be at the lower end of the spectrum.

81. The Committee next considered whether placing conditions on Miss Shaw's registration would be a sufficient and appropriate sanction. The Committee was of the view that there are no practical or workable conditions that could be formulated given the nature of the misconduct identified and the nature of the conduct that led to the conviction. In addition, it did not consider that conditions would adequately address the public interest in this case.
82. The Committee then went on to consider whether a suspension would be the appropriate sanction. The ISG suggests the suspension may be suitable when:
- there is evidence of repetition of the behaviour;
 - Miss Shaw 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...
83. However, in this case, there is evidence of harmful deep-seated personality or professional attitudinal problems, and the Committee has found serious and significant dishonesty committed by a registered dental professional at her workplace over a period of many years and when discovered, she provided fraudulent documents to cover up her wrongdoing. The Committee was satisfied that this demonstrated a serious breach of fundamental tenets set out in the Standards and for this reason, the Committee determined that a suspension is insufficient to protect the public and meet the high level of public interest.
84. The Committee gave significant weight to paragraphs 60 and 63 of the ISG, as follows:
- “Acting with honesty and integrity is a fundamental tenet of the dental profession. As such, dishonesty will always be serious, even when it does not involve direct harm to patients (for example defrauding the NHS or providing misleading information), because it can undermine public confidence in the profession. The Privy Council emphasised in Dey v GMC [2001] UKPC 44 that “Health Authorities must be able to place complete reliance on the integrity of practitioners and the Committee is entitled to regard conduct which undermines that confidence as calculated to reflect on the standards and reputation of the profession as a whole”.*
- Where dishonesty is a central feature of a Committee's decision, there will always be a severe risk of a registrant's name being erased from the register. Where little remorse, regret or insight is demonstrated, or where a registrant fails to cooperate with an investigation, engage with the final hearing or persists in misconduct, then this may point to a more serious sanction needing to be imposed to ensure public confidence in the profession is not undermined and that proper professional standards of conduct are maintained.*
85. In considering erasure, the ISG states removal from the register may be suitable where most of the following factors are present:
- *serious departure(s) from the relevant professional standards;*
 - *where serious harm to patients or other persons has occurred, either deliberately or through incompetence;*
 - *where a continuing risk of serious harm to patients or other persons is identified;*
 - *the abuse of a position of trust...*
 - *serious dishonesty, particularly where persistent or covered up.*
86. Balancing all these factors, the Committee concluded that Miss Shaw's conduct was fundamentally incompatible with remaining on the Register. It therefore directs Miss Shaw's name on the Register

be removed. The Committee was of the view that the findings in this case demonstrate serious and significant departures from the standards expected of a dental nurse and that allowing Miss Shaw to remain on the register would seriously undermine public confidence in the profession and would offer insufficient protection to the public, given the findings in this case. Whilst the Committee recognises that erasure is likely to have a significant impact on Miss Shaw and her interests, this is outweighed by the public interest given the Committee's overarching objective. Erasure is the only sanction that would appropriately address the misconduct in this case and send the public and the profession a clear message about the standards expected of a dental nurse. To adequately protect the public, nothing short of removal from the register would be sufficient.

87. The Committee now invites submissions as to whether a suspension order should take immediate effect to cover the 28-day appeal period.

Decision on immediate order

88. The erasure does not come into effect until the end of the appeal period or, if an appeal is lodged, until it has been disposed of. The appeal period expires 28 days after the date on which the notification of the determination is served on Miss Shaw.
89. Mr Patience informed the Committee that Miss Shaw has been subject to an interim suspension order and invited the Committee to revoke that interim order in light of the substantive order of erasure.
90. Mr Patience then made an application for an immediate suspension to be imposed on Miss Shaw's registration on the grounds of both public protection and in the wider public interest. He submitted that to not impose an immediate order would allow Miss Shaw to practise unrestricted during the 28-day appeal period or until any appeal has been disposed of.
91. Having had regard to the Act, and having received advice from the Legal Adviser, the Committee confirmed the revocation of Miss Shaw's interim suspension order in line with Mr Patience's request.
92. In considering the necessity for an immediate order, the Committee was satisfied that an immediate order is necessary for the protection of the public and is otherwise in the public interest. It determined that an immediate suspension order would be appropriate in the circumstances due to the nature and the seriousness of Miss Shaw's conviction and associated misconduct. To do otherwise would be incompatible with the Committee's earlier findings.
93. The immediate suspension will remain in place until any appeal is disposed of or, if no appeal is lodged, the substantive erasure will replace the immediate order 28 days after Miss Shaw is sent the decision of the Committee in writing.
94. That concludes this determination.