

Hearing held in public

**Summary**

<b>Name:</b>	<b>SIKORSKA, Jolanta Aleksander [Registration no: 100992]</b>
<b>Type of case:</b>	<b>Interim Orders Committee (review)</b>
<b>Outcome:</b>	<b>Conditions continued</b>
<b>Duration:</b>	<b>For the remainder of the period of the order</b>
<b>Date:</b>	<b>5 December 2019</b>
<b>Case number:</b>	<b>CAS-191349</b>

The role of the Interim Orders Committee (IOC) is to undertake a risk assessment based on the information before it. Its role is to assess the nature and substance of any risk to the public in all the circumstances of the case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the registrant's own interests to impose an interim order on their registration. It is not the role of the IOC to make findings of fact in relation to any charge. That is the role of a differently constituted committee at a later stage in the process.

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Neither party was present at today's hearing. The Council invited the Committee to review the interim order on Mrs Sikorska's registration on the basis of the papers without the parties present.

**Service:**

The Committee first sought to determine whether notice had been served on Mrs Sikorska in accordance with Rules 35 and 65 of the General Dental Council (GDC) (Fitness to Practise) Rules 2006 ("the Rules").

In reaching its decision, the Committee considered the documentation before it, which included a copy of the notification of today's hearing sent to Mrs Sikorska by way of Tracked and Signed Delivery. Notice was served on Mrs Sikorska's registered address on 26 November 2019. The notice outlined the date, time, location and purpose of today's hearing. The notice also informed Mrs Sikorska of the Committee's power to proceed with today's interim order review hearing in her absence. The Committee notes the GDC submission that Mrs Sikorska's representatives at Radcliffes Le Brasseur were also sent a copy of the notification of today's hearing via email on 26 November 2019. Receipt was acknowledged by Radcliffes Le Brasseur on 2 December 2019.

The Committee noted the letter of notification of today's hearing dated 26 November 2019, sent to Mrs Sikorska and her representatives, indicated that the GDC proposed the hearing should be considered on the papers alone. The Committee was satisfied that the GDC had made all reasonable efforts to provide Mrs Sikorska with notice of this hearing. In addition, in a letter dated 2 December 2019 from Mrs Sikorska's representatives at Radcliffes Le Brasseur, they state, *"I note that the interim order is scheduled for its statutory review on 5 December. I confirm that neither Mrs Sikorska nor her legal representatives will be attending,*

*and that she is content for the review to take place on the papers. We have received proper notice of the hearing together with the supporting documentation.”*

The Committee heard and accepted the advice of the Legal Adviser. The Committee had regard to the provisions of Rule 65 and S.50A of the Dentists Act 1984 and noted that the Council is not required to prove that notification was received, simply that the notification was sent. On the basis of the information provided to it, the Committee concluded that service of the notice of today’s hearing had been properly effected in accordance with the Rules.

**Proceeding in the absence of Mrs Sikorska and on the papers alone:**

As the Committee found that the notice had been properly served, it went on to consider whether to exercise its discretion under Rule 54 to proceed with the hearing in Mrs Sikorska’s absence and on the papers alone, as was the request of the Council. The Committee remained mindful of the need to approach this issue with the utmost care and caution.

The Committee was of the view that in the absence of any request from Mrs Sikorska for an adjournment, no useful purpose would be gained by adjourning today. Further, the Committee notes that Mrs Sikorska is represented. It had regard to the comments from her representatives at Radcliffes Le Brasseur in a letter dated 2 December 2019 which confirms that Mrs Sikorska will not be attending the review hearing, will not be represented at the review hearing and understands that the hearing will proceed on the papers.

Accordingly, the Committee determined to review the Interim Order on the basis of the papers before it and in the absence of both parties.

**Decision on the review of the Interim Order:**

This is the first review of an interim order of conditions that was first imposed on Mrs Sikorska’s registration by the IOC on 12 June 2019 for a period of 12 months.

At the initial hearing, the IOC determined that an interim order of conditions was necessary for the protection of the public and was otherwise in the public interest. The order was made in relation to concerns that had been referred to the GDC about the treatment provided by Mrs Sikorska to patients between February 2016 and February 2017. Issues of concern referred to the standard of care, aspects of her record keeping and consent processes, communication and cooperation with a GDC investigation. The Registrar raised an allegation of impaired fitness to practise by reason of misconduct and/or deficient professional performance as a result of these investigations.

The Case Examiners, following careful consideration of the matter, found there to be a real prospect of a Practice Committee finding the factual basis of most of the allegations proved, a real prospect of those allegations being found capable of amounting to the statutory ground of misconduct, and a real prospect of a Practice Committee finding Mrs Sikorska’s fitness to practise to be currently impaired. She was offered undertakings as an alternative to an immediate referral to a Practice Committee on 22 August 2018, and those were agreed and finalised on 26 September 2018. The undertakings were for a period of two years. However, since the undertakings were agreed, the Case Examiners noted that Mrs Sikorska had failed to fully comply with the agreed undertakings and considered that they may no longer be workable. Further, the Case Examiners noted that additional concerns about her clinical performance had been raised.

This Committee has today comprehensively reviewed the order. In so doing, it took account of the information contained in the bundle, as well as the written submissions made by the GDC. The Committee noted that the Council has concluded its investigation, following referral by the Case Examiners. On 11 October 2019, the Council disclosed its case to Mrs Sikorska and a Professional Conduct Committee (PCC) hearing is listed to take place between 23 - 31 March 2020.

The GDC submits that there are no major concerns regarding Mrs Sikorska's compliance with the interim conditions of practice order. In addition, it submits that there has been no material change since the initial IOC hearing which might necessitate a change in the order. Further, Mrs Sikorska's representatives have not opposed the continuation of the order. The Committee was satisfied that the order remains necessary on the same grounds and for the same reasons as stated by the IOC on 12 June 2019. The Committee further determined that an order of conditions remains the appropriate and proportionate order and that conditions adequately address the risks that have been identified.

**Review of the Interim Order:**

Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative meeting within the next six months. The Committee will be invited by the GDC to confirm the order, and Mrs Sikorska will be asked whether there are any written submissions to be put before the Committee on her behalf. Mrs Sikorska will then be notified of the outcome in writing following the decision of the Committee.

Alternatively, Mrs Sikorska is entitled to have the interim order reviewed at a hearing. This means that she will be able to attend and make representations, send a representative on her behalf or submit written representations about whether the order continues to be necessary. Mrs Sikorska must inform the GDC if she would like the interim order to be reviewed at a hearing. Even if Mrs Sikorska does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked or replaced, the Committee will review the order at a hearing which Mrs Sikorska and her representatives will be invited to attend.

That concludes this hearing.