

Hearing held on the papers**Summary**

Name:	PINTO, Alexandre Jose Da Cruz Augusto [Reg No: 160825]
Type of case:	Interim Orders Committee (Review)
Outcome:	Conditions continued
Duration:	For the remainder of the High Court extension
Date:	10 January 2020
Case number:	CAS-185220

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.

Summary

This is a review of an interim order of conditions currently imposed on Mr Pinto's registration. The hearing is being held on the papers in the absence of both parties.

Preliminary MattersProof of Service

The Committee noted neither party was present at today's hearing following the Council's request for this hearing to be held on the papers alone. Therefore, the Committee first sought to determine whether notice had been served on the registrant 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 Mr Pinto. Notice was sent to his registered address by Royal Mail Special Delivery and by email on 3 December 2019. The notice outlined the date, time, location and purpose of today's hearing. The notice also informed the Registrant of the Committee's power to proceed with today's interim order review hearing in his absence.

The Committee heard and accepted the advice of the Legal Adviser. The Committee remained mindful there is no requirement within the Rules for the GDC to prove receipt of the notice. On the basis of the information before 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 the Registrant 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 the Registrant'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 content from the notice of hearing documents that Mr Pinto should be aware of the hearing taking place today. Whilst there has been no explicit correspondence from him in relation to the hearing taking place in his absence and on the papers alone, it is reasonable to infer from his lack of engagement that he has voluntarily waived his right to attend. The Committee also determined there is no evidence to suggest an adjournment would secure his attendance at a later date. The Committee had regard to the public interest and the statutory requirement for a review of this order. Having balanced the Registrant's interests with the public interest, it decided that it was fair to proceed in the absence of the Registrant and on the basis of the papers before it.

Background

This is the fifth effective review of an interim order of conditional registration initially imposed by an IOC on 9 November 2017 for a period of 18 months. The order was considered by that committee to be necessary for the purposes of public protection and otherwise in the public interest.

This case was referred to the IOC by the GDC's Registrar following receipt of information that, on 2 October 2017, the NHS Performers List Decision Panel imposed conditions on Mr Pinto's inclusion on the performer's list. Those conditions were imposed in order to address concerns regarding his diagnosis and management of complex orthodontic cases, quality of treatment and inappropriately treated malocclusions.

The order was reviewed and varied on 3 May 2018. The order was reviewed and confirmed on 22 October 2018 and 17 April 2019. The order was extended for a period of 12 months by the High Court on 2 May 2019. The matter was reviewed on 23 July 2019 where the order was continued for the remainder of the period.

Today's review:

In comprehensively reviewing the order, the Committee had regard to all the documentary information provided to it, including written submissions from the GDC and had regard to *the GDC'S Interim Order guidance for decision makers – Interim Orders Committee (October 2016)*. The Committee heard and accepted the advice of the Legal Adviser.

It is the Council's submission that an interim order remains necessary and proportionate on the grounds of public protection, is otherwise in the public interest and that the interim order of conditions should remain on Mr Pinto's registration. Mr Pinto has not provided any submissions to the contrary.

In its considerations, the Committee applied the principle of proportionality, balancing the public interest with Mr Pinto's own interests. The Committee was not bound by the decision made by previous IOCs and sought to exercise its independent judgment. It had to consider whether it is still necessary, for the protection of the public, otherwise in the public interest, or in the Registrant's own interests, for there to remain an interim order on Mr Pinto's registration.

In considering whether an interim order remains necessary in this case, the Committee notes that there has been no material change in the circumstances of this case to necessitate the revocation of the current interim order. The Committee considers that the concerns and allegations against Mr Pinto are serious and there is a real risk of significant harm to the public

were Mr Pinto allowed to work unrestricted. Further, it notes that there appears to be a continued disengagement with the process from Mr Pinto. Accordingly, the Committee is satisfied that the order remains necessary on the same grounds and for the same reasons as stated by the previous IOCs.

Accordingly, it directs that the interim order of conditions be continued without variation for the remainder of the term of the order.

Unless there has been a material change of circumstances, or Mr Pinto requests an earlier review, the Committee will review the interim order within the next six months.

That concludes this determination.