Hearing held in public

Summary

Name: BLACKMAN, Lloyd Thomas Julian [Registration no: 229789]
Type of case: Interim Orders Committee (Review)
Outcome: Conditions continued
Duration: For the remainder of the 12 month period
Date: 15 September 2021
Case number: CAS-195351

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.

This is the second review of an order for interim conditional registration made on 2 October 2020 for a period of 12 months. The interim order was made on the grounds that it was necessary for the protection of the public and was otherwise in the public interest, for reasons which the initial IOC announced in private under Rule 53 of the General Dental Council (Fitness to Practise) Rules 2006.

The interim order was reviewed on 1 April 2021, when the interim conditions were varied and continued for the remainder of the 12 month period.

On 4 August 2021 the Case Examiners referred the case to the Professional Conduct Committee (PCC). The matter is due to be heard between 27 June and 6 July 2022.

Neither party was present at the review hearing today, which was conducted remotely using Microsoft Teams. In its written submissions, the General Dental Council (GDC) applies for the review to be conducted on the papers, in the absence of the parties. Its position is that:

25. Further to that review hearing [on 1 April 2021], the Council submit there has been no material change in circumstances which would impact the necessity for an interim order. The Council note that following the previous review hearing, the matter has been considered by the Case Examiners and it was determined that there was a real prospect of the allegations against the Registrant being found proved.

26. As such, the Council positively submit that an interim order remains necessary both in order to protect the public and that an interim order is otherwise in the public interest. In making this submission, the Council would draw the Committee’s attention to the comments of the previous Committees and to the decision of the Case Examiners. It is acknowledged in those determinations that the allegations which the Registrant faces are serious and that there is a real and continuing risk of harm to members of the public, in particular […].
27. The Council are also of the view that a member of the public, if they were to be informed of the allegations against the Registrant, would be outraged if the Registrant were able to continue to practise without restriction until the allegations are determined. The Council further submit that if no interim order were to be imposed, damage would be done to the profession and the Council, as regulator of that profession.

28. In the event that the Committee agree with the Council’s primary submission that an interim order remains necessary, the Committee will turn to consider the level of any interim order. The Committee will be aware that currently the Registrant is subject to an interim order of conditions which was varied at the most recent review hearing before the Committee. Following that hearing, the Council have had no concerns with regards to the Registrant’s compliance with the conditions and are content that an interim order of conditions remains appropriate and proportionate in this matter. The Council therefore submit that the current interim order continue without any further variation.

29. In considering whether an interim order remains necessary and the level of any interim order, the Council draw the Committee’s attention to the enclosed letter from the Registrant’s representative dated 13 September 2021. The Committee will note that the letter states “Our instructions are to agree to a continuation of the interim order (as varied on 01.04.2021) without variation”.

By email to the GDC on 13 September 2021, Kennedys, solicitors acting for Mr Blackman, stated: “Thank you for sending through the Council’s submissions in respect of the Interim Order Review Hearing on 15.09.21. We remain content for the matter to be heard on the papers and have no submissions to make or documents to present”.

The Committee was satisfied that the notification of hearing dated 19 August 2021 had been served on Mr Blackman and his legal representatives in accordance with the requirements of Rules 35 and 65 of the General Dental Council (Fitness to Practise) Rules 2006. In light of the agreed position of the parties the Committee determined that it would be fair and appropriate to proceed in the absence of Mr Blackman and to review the interim order on the papers.

The Committee accepted the advice of the Legal Adviser.

The role of the Committee is to assess risk and not to make findings of fact.

The Committee determined that an interim order remains necessary for the protection of the public and otherwise in the public interest, for the same reasons expressed by the initial and last reviewing IOCs. The concerns regarding Mr Blackman are particularly serious and there is a very real risk of harm to both the public and the reputation of the profession should he be allowed to practise without restriction pending the determination of those concerns by the PCC. In the Committee’s judgment, there has been no material change in circumstance which would undermine the continued need for an interim order.

The Committee was satisfied that Mr Blackman is complying with the interim conditions on his registration. There is nothing to suggest that those conditions have ceased to be workable and proportionate in their current form. Accordingly, the Committee directs that the interim conditions shall continue without variation for the remainder of the 12 month period. The interim conditions shall continue to appear against Mr Blackman’s name in the Register in the following terms:
1. He must notify the GDC promptly of any post he accepts for which GDC registration is required, and the Commissioning Body on whose Dental Performers List he is included.

2. If employed, he must provide contact details of his employer and allow the GDC to exchange information with his employer or any contracting body for which he provides dental services.

3. He must inform the GDC within 7 days of any formal disciplinary proceedings taken against him, from the date of this determination.

4. He must inform the GDC within 7 days of any complaints made against him from the date these conditions take effect.

5. He must inform the GDC if he applies for dental employment outside the UK.

6. At all times he is present at his place of work, where practice staff (save for the chaperone(s)) or the public are present, he must have a chaperone with him.
   a. The chaperone must be a fully registered healthcare practitioner.
   b. All times he is providing treatment, where practice staff (save for the chaperone(s)) or the public are present, the chaperone should be in addition to his chairside dental nurse, unless that dental nurse is male, subject to the proviso below.
   c. Save for an emergency situation, should he be unable to comply with 6a, he should remove himself from the practice. Any incidences of genuine emergency should be recorded and notified to the GDC within 7 days; Provided that he may work with his chaperone alone at his current place of work (Practice DW) if the following requirements are met,
      (i) His chaperone(s) include one of the three individuals identified in the attached private schedule to this determination.
      (ii) Those requirements set out under condition 9(b) below.
      (iii) While he is at Practice DW, another registered dental professional is present on the premises in addition to him and his chaperone.

7. He must provide the name and full contact details of any proposed chaperone(s) to the GDC within 7 days.

8. He must provide a report from his chaperone(s) to the GDC every 2 months and at least 14 days prior to any review hearing, or upon request from the GDC. This report should include:
   a. Confirmation of compliance with condition 6a-6d;
   b. Any occasions where he was left alone without the chaperone present; and,
   c. Any concerns that the chaperone(s) have regarding his conduct or behaviour.
9. a. He must ensure that every member of the dental team or employee at the practice(s) and chaperone(s) where he works is notified of the conditions in place. He must provide evidence of this to the GDC within 7 days from the date of this determination.

b. He must provide evidence of the following matters to the GDC within 7 days of the chaperones being nominated:

   (i) that the nominated chaperone(s) agree to undertake the task and understand they have the right to withdraw their agreement at any time;
   (ii) those chaperone(s) have been informed that he is subject to a GDC investigation concerning [IN PRIVATE];
   (iii) those chaperones have also been informed how they can (i.e., with relevant contact details) contact the GDC should they have any concerns about his conduct of the nature specified in (ii) above.

10. He must permit other members of staff at the practice(s) where he works and/or his chaperone(s) to contact the GDC immediately if they are concerned about his fitness to practise and/or compliance with these conditions.

11. At any time he is providing dental services, which require him to be registered with the GDC, he must agree to the appointment of a reporter nominated by him and approved by the GDC.

12. He must provide a report from the reporter to the GDC every 2 months and at least 14 days prior to any hearing. This report should include:

   a. confirmation of compliance with these conditions;
   b. confirmation of any complaints received;
   c. confirmation that they have been seen the chaperone(s) report;
   d. any other relevant information.

13. He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services, and Reporter referred to in these conditions.

14. He must inform within one week, the following parties that his registration is subject to the conditions, listed at (1) to (13), above:

   • Any organisation or person employing or contracting with him to undertake dental work.
   • Any prospective employer (at the time of application).
   • The Commissioning Body in whose Dental Performers List he is included, or seeking inclusion (at the time of application)

15. He must permit the GDC to disclose the above conditions, (1) to (14), to any person requesting information about his registration status.
*The redacted text for condition 9(b)(ii) is contained in the private version of the determination handed down by the IOC on 1 April 2021.

The Committee noted that the interim order is currently due to expire on 7 October 2021 and consideration should be given to whether an application to the High Court should be made for an extension.

That concludes the hearing today.