

HEARING HEARD IN PUBLIC

BEST, Julian Michael Wulf

Registration No: 68934

PROFESSIONAL CONDUCT COMMITTEE

FEBRUARY 2019-FEBRUARY 2020*

Most recent outcome: Suspension extended for 12 months (with a review)

*See page 10 for the latest determination

Julian Best, a dentist, BDS University of Liverpool 1993, MB ChB University of Liverpool 1987, was summoned to appear before the Professional Conduct Committee on 07 February 2019 for an inquiry into the following charge:

Charge (as amended)

“That, being a registered dentist:

1. For some or all of the period from 28 June 2014 to 17 January 2018:
 - a. you failed to hold adequate indemnity insurance;
 - b. you provided dental services whilst you failed to hold adequate indemnity insurance.
2. Your conduct in relation to charge 1(a) and/or 1(b) above was:
 - a. misleading;
 - b. dishonest, in that you knew you did not have an adequate indemnity arrangement for some or all of the period specified in charge 1 above.
3. Between 28 June 2014 to 17 January 2018 you provided your employer with information pertaining to your indemnity arrangements.
4. Your conduct in relation to charge 3 was:
 - a. misleading;
 - b. dishonest, in that, by providing the information above, you intended to create the false impression that your indemnity insurance was up-to-date.
5. On 27 December 2016 and 27 December 2017, you made false declarations to the GDC that you held indemnity insurance.
6. Your conduct in relation to charge 5 above was:
 - a. misleading;
 - b. dishonest, in that you knew that you did not have indemnity insurance when you made the declarations.

AND that by reason of the facts alleged, your fitness to practise is impaired by reason of misconduct.”

On 8 February 2019 the Chairman made the following statement regarding the finding of facts:

“Mr Best,

This is a Professional Conduct Committee hearing. You are present and are representing yourself at this hearing. Mr Middleton, in-house GDC lawyer, is the Case Presenter for the GDC.

The allegations before the Committee concern your continuing to practise at the Alders Dental Practice (“the Practice”) in the absence of your having an appropriate indemnity arrangement in the period 28 June 2014-17 January 2018 and the circumstances of your so doing.

The GDC received a self-referral from you on 17 January 2018 and from the Practice Principal (Witness 1) on 26 January 2018. You had worked in the Practice since 2010, initially part-time and then from 2012 full time. It is not alleged that you were without indemnity insurance before June 2014. However, from that date to the date of your dismissal in January 2018, it is alleged that you continued to practise without indemnity insurance and that you caused witness 1 and the Practice Manager to understand that you had indemnity insurance. Similarly, it is alleged that you have made false declarations to the GDC to confirm that you had indemnity when in fact you did not.

Preliminary amendments to the charge

At the outset of the hearing, Mr Middleton made an application to amend the charge under Rule 18 of the *GDC (Fitness to Practise) Rules 2006* (the Rules). He applied to amend charge 2(b) so that it now reads “*dishonest, in that you knew you did not have an adequate indemnity arrangement for some or all of the period specified in charge 1 above.*” The reason advanced for the application was that it would enable the Committee to approach its decision on the GDC’s case with greater clarity and that this would not cause any prejudice to you.

You raised no objection to Mr Middleton’s application made under Rule 18.

The Committee accepted the advice of the Legal Adviser. It acceded to Mr Middleton’s Rule 18 application. In granting the application, the Committee took into account that no objection was raised by you. It was satisfied that the amendment of the charge could be made without causing any injustice.

Evidence

The GDC relied on 3 witness statements, the first from witness A, the second and third from employees of the GDC itself. You had indicated in advance that you did not require the attendance of any of these witnesses. You also provided testimonial evidence.

You gave oral evidence to the Committee. Whilst it acknowledged that you are of good character and that, at the material time, you were subject to very considerable stress, the Committee did not find your account easy to understand or entirely plausible.

Admissions

You made admissions to the following heads of charge at the outset of this hearing: charge 1 in its entirety, charges 2a, 3, 4a, 5 and 6a.

The Committee's findings of fact

The Committee considered all of the evidence presented to it. It took account of the submissions made by Mr Middleton on behalf of the GDC and those made by you. 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.

I will now announce the Committee's findings in relation to each head of charge:

1.	<p>For some or all of the period from 28 June 2014 to 17 January 2018:</p> <ul style="list-style-type: none"> a. you failed to hold adequate indemnity insurance; b. you provided dental services whilst you failed to hold adequate indemnity insurance. <p>Admitted and Found Proved in its entirety</p>
2.	<p>Your conduct in relation to charge 1(a) and/or 1(b) above was:</p> <ul style="list-style-type: none"> a. misleading; <p>Admitted and Found Proved</p>
	<ul style="list-style-type: none"> b. dishonest, in that you knew you did not have an adequate indemnity arrangement for some or all of the period specified in charge 1 above. <p>Found Proved</p> <p>In relation to the allegation that your conduct was dishonest, the Committee was referred to the case of <i>Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67</i> where the legal test for dishonesty was revisited, as follows:</p> <p><i>"When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest."</i></p> <p>The Committee had regard to your evidence and acknowledged that you were undergoing difficult personal circumstances during the specified dates in the charge. You told the Committee that you did not notice that you were</p>

	<p>not paying for indemnity and assumed you remained covered. You stated that you looked at your bank statements from time to time at the outset of this period. You were aware of a series of declined direct debits to MPS over the period March to September 2014. You said that you reached the conclusion, that when a monthly direct debit in favour of the MPS was finally successfully taken by the bank, it meant that you had maintained your insurance cover. This was despite the fact that, when several monthly direct debits were declined by the bank at a time, only one was being subsequently accepted. You contended that when direct debits in favour of MPS were ceased to be declined, you assumed that they were being met, despite there being no evidence in the bank statements to that effect.</p> <p>Whilst the Committee was prepared to accept that, at the outset of the period of the charge, you may have been subject to a degree of confusion as to the state of your indemnity cover, it did not accept that that situation would have continued. The monthly cost of indemnity cover was of the order of £330. In those circumstances it considers that it is more likely than not that you would have been aware that no monthly payments were being taken. It further noted that there was an established procedure at the Practice to ensure that all associates maintained their indemnity cover by requiring them to produce their indemnity certificates. This was by way of reminders at practice meetings. It noted from Witness 1's statement that such a reminder took place at the practice meeting on the 4 February 2015 and thereafter, during the period, on seven further occasions. Minutes of those meetings were distributed to the personnel in the practice.</p> <p>Moreover, the Committed noted that, following requests for up to date certificates of indemnity cover from witness 1 and the Practice manager, you had placed photocopies of previous indemnity certificates in the file on more than one occasion and relating to earlier years. Finally, you conveyed the impression to witness 1 that you had indemnity cover with MDDUS following a conversation as to your indemnity cover with him. Your previous indemnity cover had been with MPS and you had never received any confirmation from MDDUS to suggest that you were indemnified by them, you had not paid any money to MDDUS for this service.</p> <p>These matters cited above serve to confirm that you were reminded about the need to prove your indemnity cover to the practice. Moreover, the Committee reached the conclusion that the fact that you presented the wrong documents and deliberately referred to the wrong insurance provider established that you knew you did not have cover.</p> <p>The Committee finds that ordinary decent people, appraised of the relevant information that was before it, would find your conduct as set out in charge 1 dishonest as you knew for most of the period indicated in the charge that you did not have indemnity cover.</p>
3.	<p>Between 28 June 2014 to 17 January 2018 you provided your employer with information pertaining to your indemnity arrangements.</p> <p>Admitted and Found Proved</p>

4.	<p>Your conduct in relation to charge 3 was:</p> <p style="padding-left: 40px;">c. misleading;</p> <p>Admitted and Found Proved</p>
	<p style="padding-left: 40px;">d. dishonest, in that, by providing the information above, you intended to create the false impression that your indemnity insurance was up-to-date.</p> <p>Found Proved</p> <p>The Committee referred itself to the legal test for dishonesty as set out in charge 2.b above.</p> <p>In giving your evidence to the Committee, you were asked about photocopying older indemnity certificates which you placed in the practice file. You stated that you <i>'knew it was a bit naughty'</i> and accepted that you did this in order to make your employers think that you had complied with their request to provide an up to date certificate. You stated, <i>'I wanted to get them off my back'</i>. You told the Committee that you thought it would be easier to file an old indemnity certificate instead of calling your indemnity provider and asking them to provide you with a current and accurate certificate. You said that if there was a CQC or some such inspection you could easily obtain the correct certificate.</p> <p>The Committee also had regard to witness 1's statement in which he recalled a conversation between you in which you told him that you were indemnified with MDDUS and that the renewal premium was <i>"not as cheap as you think"</i>. You did not challenge that statement and in your oral evidence you seemed to acknowledge that witness 1 may have received the impression that you were insured with MDDUS. You explained that you had attended a conference with witness 1 at which MDDUS was present and that you were contemplating insuring with them. The Committee was satisfied that you made a comment to witness A to the effect that you were insured with MDDUS, and that when you made that comment, you would have known that you were not.</p> <p>The evidence above recited supports the allegation that you intended to create the false impression that your indemnity insurance was up to date when you knew it was not.</p> <p>The Committee had no doubt that ordinary decent people provided with all the information that was before it would find your conduct in relation to this charge to have been dishonest.</p>
5.	<p>On 27 December 2016 and 27 December 2017, you made false declarations to the GDC that you held indemnity insurance.</p> <p>Admitted and Found Proved</p>
6.	<p>Your conduct in relation to charge 5 above was:</p> <p style="padding-left: 40px;">c. misleading;</p> <p>Admitted and Found Proved</p>

d. dishonest, in that you knew that you did not have indemnity insurance when you made the declarations.

Found Proved

The Committee referred itself to the legal test for dishonesty as set out in charge 2.b above.

The Committee had regard to the witness statements from the GDC witnesses to the effect that you made declarations that you held indemnity insurance on 27 December 2016 and on 27 December 2017.

The Committee has found that on those dates you knew you did not have appropriate indemnity in place. It therefore determined that when you made those declarations to your regulator, they were false and you knew them to be false.

The Committee had no doubt that ordinary decent people provided with all the information that was before it would find your conduct in relation to this charge to have been dishonest.

We move to Stage Two.”

On 8 February 2019 the Chairman announced the determination as follows:

“Mr Best,

Mr Middleton, on behalf of the General Dental Council (GDC), made submissions pursuant to Rule 20 of the GDC’s Fitness to Practise Rules 2006. He invited the Committee to conclude that the facts found proved amount to misconduct and that your fitness to practise is currently impaired by reason of that misconduct. This was a case, he said, where there had been repeated dishonesty. The GDC submits that the appropriate sanction in this case is that of suspension for a period of 12 months.

You told the Committee that you were disappointed by its findings at stage 1 concerning dishonesty, but that you accepted why the Committee had reached that decision. You said that you had no intention of appealing. You repeated the apology which you expressed in your evidence which you extended to your patients, your employers and your colleagues.

The Committee has considered the submissions carefully. It has accepted the Legal Adviser’s advice.

Misconduct

The Committee first considered whether the facts that it has found proved at heads of charge 1, 2, 3, 4, 5 and 6 constitute misconduct. In considering this matter, the Committee has exercised its own independent judgement. In its deliberations the Committee has had regard to the following paragraphs of the GDC’s Standards for the Dental Team (September 2013) in place at the time of the incidents giving rise to the facts that it has found proved at those heads of charge.

GDC’s Standards for the Dental Team (September 2013)

These paragraphs state that as a dentist you must:

- 1.3 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. This applies to any business or education activities in which you are involved as well as to your professional dealings.
- 1.3.2 You must make sure you do not bring the profession into disrepute.
- 1.8 You must have appropriate arrangements in place for patients to seek compensation if they have suffered harm.
 - 1.8.1 You must have appropriate insurance or indemnity in place to make sure your patients can claim any compensation to which they may be entitled (See our website for further guidance on what types of insurance or indemnity the GDC considers to be appropriate).
- 8.1 Always put patients' safety first.
- 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.

The Committee has made a number of findings which amount to serious departures from acceptable standards of conduct and behaviour. The Committee has found that you behaved dishonestly in relation to your failure to obtain indemnity insurance cover and that dishonesty included deceiving your employers and the GDC. You placed your own interests above the safety of patients and members of the public.

Practising without indemnity for any period of time is a breach of the basic standards of the profession. It puts patients at risk of harm and undermines public trust and confidence in the dental profession. For the period between 28 June 2014 and 17 January 2018 you provided dental services without having appropriate indemnity insurance in place. This serious breach of standards was compounded by the false information you dishonestly gave to employers and your regulator about your indemnity status, when asked for proof of your indemnity. The Committee concluded that your conduct in relation to these matters would be regarded as deplorable by fellow members of the profession.

The Committee considered that you demonstrated a pattern of dishonesty and a disregard for your patients, employers and regulator.

In light of the findings of fact that it has made, the Committee has concluded that your conduct, and in particular your dishonest conduct, fell far short of the standards reasonably expected of a dentist and amounts to misconduct.

Impairment

In the Committee's judgement your failure to have had appropriate indemnity cover in place during the above period is serious. It is a substantial breach of a fundamental tenet of the profession. It puts patients at a real risk of financial harm and breaches the trust placed in you and the profession. Public confidence in the profession is seriously undermined by a practitioner practising dentistry without indemnity. This is compounded by the extended period of your dishonesty and exacerbated by your dishonesty to your employers and the GDC. You dishonestly represented to your regulator that you had indemnity for the relevant period when you knew that to be untrue. You explain your misconduct on the basis of the disorder in your private life at the material time. The Committee considered the explanations you gave for your conduct. Although it does not dismiss the difficulties which you experienced, it remains in no doubt that you were entirely responsible for your failure to have

appropriate indemnity in place when providing dental services. In short, if you did not have cover, you should not have been practising.

The Committee noted that, whilst you have made some admissions and have participated throughout the hearing with the GDC, it was not satisfied that you have achieved full insight into your behaviour. The Committee considered that there is an ongoing risk to the public in view of the fact that you have not been able to obtain adequate indemnity at the present time or retrospective cover.

The Committee took into account that you have shown remorse and apologised to your patients, your employers and the GDC.

Having regard to all of these matters, the Committee has determined that your fitness to practise is currently impaired by reason of your misconduct.

Sanction

The Committee next determined what sanction, if any, would be appropriate in the light of the finding of facts, misconduct and impairment that it has made. The Committee recognises that the purpose of a sanction is not to be punitive, although it may have that effect. A sanction is imposed in order to protect patients and safeguard the wider public interest. In reaching its decision, the Committee has taken into account the GDC's Indicative Sanctions Guidance for the Practice Committees. The Committee has applied the principle of proportionality, balancing the public interest with your own interests.

The Committee has had regard to the mitigating and aggravating factors in this case. In terms of mitigation, the Committee has noted your difficult personal circumstances at the material time and that you referred yourself to the GDC in January 2018. It also took into account that you have no previous fitness to practise history, you were hitherto of good character and that you have expressed remorse and apologised to your patients, your employers and to the GDC for your unprofessional conduct.

In terms of aggravating factors, the Committee notes that your dishonesty occurred over a prolonged period of time, that it was motivated by putting your own interests before your patients, employers and regulator, and that your misconduct included attempts to cover-up your wrongdoing. These matters amount to a breach of trust and represent a disregard for the GDC. It further considered that you demonstrated incomplete insight and that patients have been exposed to a risk of harm, given that you practised for so long without insurance.

The Committee has considered the range of sanctions available to it, starting with the least serious. In the light of its findings the Committee has determined that it would be wholly inappropriate to conclude this case with no action or with a reprimand. The serious nature and risk of repetition of the harmful and dishonest conduct that it has identified means that taking no action, or issuing a reprimand, would be insufficient, particularly in relation to the need to maintain public confidence and trust in the profession and in the regulatory process, and to declare and uphold proper standards of conduct and behaviour.

The Committee next considered whether a period of conditional registration would be appropriate. This is not a clinical case and the Committee did not therefore consider that conditions would be appropriate or indeed workable.

The Committee has given careful consideration as to whether it is sufficient to direct that your registration be suspended or whether this is a case where an order of erasure is necessary. It is in no doubt that the findings against you are serious. The Committee also

has concerns about your lack of insight into the consequences of your conduct and how it impacts on public confidence in the dental profession. The Committee took into account the difficult personal circumstances you were undergoing and has borne in mind that your conduct centred around your failure to obtain indemnity.

The Committee considered that a suspension order would protect patients and would send a message to the profession and the public reaffirming the standards of conduct and behaviour expected of a registered practitioner. A period of suspension would also provide you with the opportunity to demonstrate a willingness to work towards a return to the register unrestricted.

This is not, in the Committee's opinion, a case where there is evidence of a deep seated professional attitudinal problem. In consequence the Committee concluded that the sanction of erasure would not be appropriate or proportionate. It is not the only option that would adequately protect the wider public interest. Taking all these factors into account, the Committee is satisfied that the public interest concerns in this case are sufficiently met by a period of suspension.

The Committee directs that your registration on the Dentists Register be suspended for a period of 12 months. The Committee is satisfied that this period of time is appropriate to mark the seriousness of your misconduct and to send a message to the profession and the public that this type of conduct is not acceptable.

The Committee considers that there should be a review of the suspension order at a resumed hearing to be held shortly before the end of the period of suspension. That Committee will consider what action it should take in relation to your registration.

The Committee considered that a Committee reviewing your case may find it helpful to receive the following:

- A reflective piece demonstrating your insight and understanding of the impact of your behaviour upon your patients and the wider public in the dental profession.
- Evidence of up to date indemnity cover should you wish to return to practising dentistry.

The Committee now invites submissions as to whether your registration should be suspended immediately.

Decision on immediate order

The Committee has considered whether to make an order for the immediate suspension on your registration. Mr Middleton made an application for an immediate order. The Committee has considered the submissions made by Mr Middleton. You did not oppose the order. It has accepted the advice of the Legal Adviser.

The Committee has had regard to its reasons for finding that your fitness to practise is impaired. In these circumstances, the Committee has concluded that not imposing an immediate order and allowing you to practise during the period before the substantive order takes effect would place the public at risk. It was also satisfied that it would be contrary to the public interest and inconsistent with its findings not to impose an immediate order to cover the appeal period or, if an appeal is lodged, until it has been disposed of.

The Committee has determined that it is necessary for the protection of the public and is otherwise in the public interest that your registration be suspended forthwith.

The effect of this direction is that your registration will be suspended immediately. Unless you exercise your right of appeal, the substantive order of suspension will come into effect 28 days from the date on which notice of this decision is deemed to have been served on you. Should you exercise your right of appeal, this immediate order for suspension will remain in place until the resolution of any appeal.

The Committee noted that there was currently an interim order of suspension on your registration. However, it considered that the serious nature of the impairment found in this case justifies the imposition of an immediate order. The interim order of suspension currently on your registration is revoked.

That concludes the hearing.”

At a review hearing on 3 February 2020 the Chairman announced the determination as follows:

“This is a resumed hearing pursuant to section 27C of the Dentists Act 1984, as amended (‘the Act’). The purpose of this hearing has been for this Professional Conduct Committee (PCC) to review Mr Best’s case and determine what action to take in relation to his registration. Neither party is present nor represented today. The General Dental Council (GDC) has requested that the hearing be conducted on the papers and has provided written representations. Mr Best has provided written submissions to the GDC in an email dated 13 January 2020.

Decision on Service of the Notice of Hearing

The Committee first considered whether notice of the hearing had been served on Mr Best in accordance with Rules 35 and 65 of the GDC’s Fitness to Practise Rules 2006 (‘the Rules’) and Section 50A of the Dentists Act 1984 (as amended) (‘the Act’). The Committee received from the GDC an indexed hearing bundle of 39 pages, which contained a copy of the Notice of Hearing (‘the notice’), dated 16 December 2019, thereby complying with the 28-day notice period. The hearing bundle also contained a Royal Mail ‘Track and Trace’ receipt confirming that the notice was sent to Mr Best’s registered address by Special Delivery. A copy of the notice was also emailed to Mr Best on 16 December 2019.

The Committee was satisfied that the notice sent to Mr Best contained proper notification of today’s hearing, including its time, date and venue, and the other prescribed information including notification that the Committee had the power to proceed with the hearing in Mr Best’s absence.

On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Mr Best in accordance with the Rules and the Act.

Decision on Proceeding in the Registrant’s Absence and on the Papers

The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Mr Best. It first concluded that all reasonable efforts had been taken to send the notification of hearing to Mr Best in accordance with the Rules. It noted that evidence was provided of attempted delivery of the notice of hearing, and an email was sent by Mr Best on 13 January 2020 confirming that he had received the notice of hearing by email and would not be attending.

The Committee approached the issue of proceeding in absence with the utmost care and caution. It took into account the factors to be considered in reaching its decision, as set out in the case of *GMC v Adeogba & Visvardis* [2016] EWCA Civ 162. It remained mindful of the need to be fair to both Mr Best and the GDC, taking into account the public interest and Mr Best's own interests in the expeditious review of the suspension order imposed.

In those circumstances, the Committee determined that it was fair and appropriate to proceed with the hearing in the absence of Mr Best and to conduct the hearing on the papers.

Background

Mr Best's case was first considered by a PCC at a hearing in February 2019. That Committee found proved allegations, the majority of which Mr Best admitted, that during the period between June 2014 and January 2018 he provided dental services whilst not holding adequate indemnity insurance. It was also found proved that during the same period, Mr Best had misled his employer into believing that his indemnity insurance was up-to-date, and between December 2016 and December 2017 had made false declarations to the GDC that he held indemnity insurance.

The Committee determined that the facts found proved against Mr Best amounted to misconduct and that his fitness to practise was impaired by reason of his misconduct. It determined to suspend his registration for a period of 12 months with an immediate order. The Committee directed a review of Mr Best's case shortly before the end of the period of suspension, and considered that a Committee reviewing the case may find it helpful to receive the following:

- A reflective piece demonstrating Mr Best's insight and understanding of the impact of his behaviour upon his patients and the wider public in the dental profession.
- Evidence of up-to-date indemnity cover should he wish to return to practising dentistry.

Today's Review

This Committee has comprehensively reviewed Mr Best's case today. In doing so, it has considered all the evidence presented to it. It has taken account of the written submissions made by the GDC, and Mr Best's email to the GDC dated 13 January 2020. The Committee has accepted the advice of the Legal Adviser.

The GDC stated that there has been no evidence submitted that showed a material change in the position since the last hearing. The GDC submitted that Mr Best's fitness to practise still remains impaired by reason of misconduct and that it would be appropriate and proportionate to extend the order of suspension for a period of up to 12 months.

In Mr Best's email dated 13 January 2020 he stated that he has stopped practising as a dentist and has: *'no intention to return to the profession'*. He ended his email by stating: *'please accept this as my formal letter of resignation from the dental profession and feel free to strike my name from the register'*.

Decision on Impairment

In reaching its decision on whether Mr Best's fitness to practise remains impaired, the Committee exercised its independent judgement. It had regard to the over-arching objective of the GDC, namely: 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.

The Committee considered that Mr Best's dishonest misconduct was very serious and put his patients at risk. At the time of the previous hearing, Mr Best had shown little insight into his actions. The Committee noted that in his email of 13 January 2020, Mr Best states: *'I am fully aware of the impact my actions had on my patients, colleagues (many of whom were good friends), and potentially on the reputation of the profession as a whole and regret this bitterly'*. This demonstrates a developing insight, but not sufficient to satisfy the Committee that he truly recognises the seriousness of his behaviour. The Committee noted that Mr Best had not provided a reflective piece, as suggested by the Committee at the hearing in 2019. The Committee noted that he does not wish to practise dentistry again, but, as yet, he has not submitted an application form seeking voluntarily removal of his name from the register.

The Committee concluded that there had been no material change in the circumstances of this case. The absence of evidence to show that Mr Best has sufficient insight means that the Committee cannot say that such conduct is highly unlikely to be repeated.

The Committee was satisfied that a finding of impairment is required in order to protect the public, declare and uphold proper standards of conduct and behaviour, and to maintain trust and confidence in the profession and in the regulatory process. In the Committee's judgement public trust and confidence in the profession, and in the regulator, would be seriously undermined if a finding of impairment were not made in the particular circumstances of this case.

The Committee therefore determined that Mr Best's fitness to practise remains impaired.

Decision on Sanction

The Committee next considered what direction to make in connection with the order of suspension. The Committee once again had regard to the principle of proportionality, weighing the interests of the public with Mr Best's own interests.

The Committee was satisfied that terminating the current suspension would not adequately protect the public or maintain public confidence in the dental profession. The Committee was also satisfied that the imposition of conditions would not be workable as it would not address the fundamental issue of dishonesty in this case. Furthermore, Mr Best has stated that he does not intend to practise dentistry anymore. The Committee therefore determined that a further period of suspension was appropriate and proportionate. In the circumstances the Committee decided that Mr Best's registration should be suspended for a further period of 12 months with a review before the expiry. The Committee noted Mr Best's suggestion that he be struck off the register, but this is not an outcome available to this Committee.

That concludes this hearing."