

**Hearing held in private  
Public determination**

**Summary**

<b>Name:</b>	<b>ALI, Chaudhry Faisal [Registration no:252486]</b>
<b>Type of case:</b>	<b>Interim Orders Committee (review)</b>
<b>Outcome:</b>	<b>Suspension continued</b>
<b>Duration:</b>	<b>For the remainder of the High Court extension</b>
<b>Date:</b>	<b>28 November 2019</b>
<b>Case number:</b>	<b>CAS-187224</b>

**At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.**

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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 Mr Ali's registration on the basis of the papers without the parties present.

**Preliminary matters:**

At the outset of the hearing the Committee considered the GDC's written application for the hearing to be held entirely in private in accordance with Rule 53 of the General Dental Council (Fitness to Practise) Rules Order of Council 2006 (the Rules) given that the case relates to Mr Ali's health. Having accepted the advice of the Legal Adviser, the Committee decided to accede to the application. Accordingly, the hearing was thereafter held in private.

**Service:**

The Committee first sought to determine whether notice had been served on Mr Ali in accordance with Rules 35 and 65 of 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 Ali by way of Tracked and Signed Delivery. Notice was served on Mr Ali's registered address on 29 October 2019. The notice outlined the date, time, location and purpose of today's hearing. The notice also informed Mr Ali of the Committee's power to proceed with today's interim order review hearing.

they had received the notice of hearing. The notice was also sent to Mr Ali and his representative via email on 29 October 2019.

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 Mr Ali and on the papers alone:**

The Committee then considered the application made by the GDC under Rule 54 inviting it to conduct today's review hearing in the absence of Mr Ali and on the basis of the papers before it. The Committee bore in mind that the notice of hearing referred to above advised Mr Ali that the GDC intended to invite this Committee to deal with this review hearing on the papers and to invite it to maintain the current interim order of suspension. The Committee concludes that an adjournment, which in any event has not been requested, would be unlikely to serve any purpose. The Committee was also mindful of the public interest in an expeditious review of the interim order. In all the circumstances the Committee decided to proceed in the absence of Mr Ali, and indeed in the absence of both parties.

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

This is the fourth review of an interim order of suspension that was first imposed on Mr Ali's registration by the IOC on 12 April 2018 for a period of 18 months. The order was reviewed by the IOC and continued on 27 September 2018, 5 March 2019 and 12 August 2019. On 23 September 2019, a High Court Extension was granted to extend the Interim Order for a period of 12 months.

At the initial hearing, the IOC determined that an interim order of suspension was necessary for the protection of the public, was otherwise in the public interest and was also in Mr Ali's own interests. The order was made in relation to two separate referrals about Mr Ali. Firstly, a complaint from NHS England South East to the effect that when treating a patient on 25 August 2017 Mr Ali allegedly extracted a patient's tooth using a hot instrument, which caused a burn to the patient's mouth. It is alleged that Mr Ali did not make a record of the burn in the patient's clinical notes, and that the lesion was caused by his use of forceps which had not been allowed to cool sufficiently.

**IN PRIVATE**

[Private]

**IN PUBLIC**

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.

**IN PRIVATE**

[Private]

**IN PUBLIC**

The GDC submits that there has been no material change since the initial IOC hearing which might necessitate a change in the order. Mr Ali's legal 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 April 2018 and the subsequent reviewing Committees. The Committee further determined that an order of suspension remains the appropriate and proportionate order and that conditions cannot 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 Mr Ali will be asked whether there are any written submissions to be put before the Committee on his behalf. Mr Ali will then be notified of the outcome in writing following the decision of the Committee.

Alternatively, Mr Ali is entitled to have the interim order reviewed at a hearing. This means that he will be able to attend and make representations, send a representative on his behalf or submit written representations about whether the order continues to be necessary. Mr Ali must inform the GDC if he would like the interim order to be reviewed at a hearing. Even if Mr Ali 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 to which Mr Ali and his representatives will be invited to attend.

That concludes this hearing.