

**HEARING HEARD IN PUBLIC**

**SAYANVALA, Hasan**

**Registration No: 77253**

**PROFESSIONAL CONDUCT COMMITTEE**

**APRIL 2014 – DECEMBER 2019\*\***

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

\*\* See page 51 for the latest determination.

Hasan Sayanvala, a dentist, BChD MEDUNSA 1999, was summoned to appear before the Professional Conduct Committee on 22 April 2014 for an inquiry into the following charge:

**April 2014 Full Determination**

**Charge (as amended)**

"That, being a registered dentist,

1. On dates between 7 June 2011 and 8 October 2012, you provided a course of treatment to Patient 1, and such treatment including:
  - a. the extraction of LL3;
  - b. the preparation of a temporary bridge (retained on the LL2 and LL4);
  - c. the preparation of LL2 and LL4 for a temporary bridge;
  - d. the provision of a temporary bridge.

**Failure to provide adequate standard of care and treatment**

2. Your standard of care and treatment for Patient 1 fell below that reasonably to be expected of a dental practitioner in the following regards:
  - a. You failed to carry out a full or adequate assessment;
    - i. at any time;
    - ii. before discussing treatment options for the LL3.
  - b. You failed to carry out a periodontal assessment:
    - i. at any time;
    - ii. before discussing treatment options for the LL3.
  - c. You failed to take an updated medical history:
    - i. at any time;
    - ii. before discussing treatment options for the LL3.
  - d. You failed to take bitewing radiographs as clinically necessary:
    - i. at any time;

- ii. before discussing treatment options for the LL3.
  - e. You failed to provide adequate oral health advice to Patient 1:
    - i. at any time;
    - ii. before discussing treatment options for the LL3.
  - f. You failed to diagnose dental conditions, including:
    - i. deep mesial caries on UR7;
    - ii. poor crown on UR6;
    - iii. periapical infection at UR6;
    - iv. filling with a large overhang on UL6.
- 3. Your standard of care and treatment for Patient 1 fell below that reasonably to be expected of a dental practitioner on 9 August 2012 in the following regards:
  - a. You failed to mention all the following treatment options:
    - i. a single tooth denture replacing the LL3;
    - ii. a Maryland bridge replacing the LL3 retained on the LL2 and LL4;
    - iii. a cantilever bridge replacing the LL3 retained on the LL4;
    - iv. a fixed-fixed bridge replacing the LL3 retained on the LL2 and LL4;
    - v. a dental implant replacing the LL3
  - b. Failing to describe the advantages and disadvantages of each treatment option outlined at paragraph 3a) above.
  - c. Failing to give Patient 1 adequate time to consider the treatment options at 3a) by:
    - i. failing to give Patient 1 a temporary denture;
    - ii. failing to provide Patient 1 a temporary repair without involving the adjacent tooth;
    - iii. preparing her LL4 for a bridge.
- 4. You prevented Patient 1 from pursuing any other course of treatment aside from a two unit cantilever bridge.
- 5. You provided a poor quality temporary bridge on 8/10/2012.

**Failure to obtain informed consent**

- 6. You failed to obtain informed consent by doing any of the acts as described in paragraph 4 above.
- 7. You failed to obtain informed consent:
  - a. by the way of your conduct as described in paragraph 3 above;
  - b. for the preparation of LL2;
  - c. for the extraction of LL3;

- d. for the preparation of LL4;
- e. for changing Patient 1's treatment from a two tooth cantilever bridge to a three tooth fixed-fixed bridge.

**Failure to provide adequate standard of record-keeping**

8. Your standard of record keeping in respect of Patient 1 for the period specified in paragraph 1 fell below that reasonably to be expected of a dental practitioner by not recording:
  - a. full details of the assessments of the patient;
  - b. full details of any periodontal assessment of the patient;
  - c. an updated medical history;
  - d. matters discussed with Patient 1 about prospective and/or current treatment;
  - e. oral health advice given to the patient;
  - f. justifications for the radiographs taken;
  - g. reports on the radiographs taken;
  - h. that full treatment options for LL3 were discussed with the patient.

And that by reason of the facts alleged your fitness to practise as a dentist is impaired by reason of misconduct”

On 23 April 2014 the Chairman made the following statement regarding the finding of facts:

“Mr Sayanvala,

The allegations against you arise out of dental treatment you provided to Patient 1 between 7 June 2011 and 8 October 2012 at Longlands Dental Practice. This treatment included the extraction of LL3 and the preparation of LL2 and LL4 for the provision of a temporary bridge.

At the outset of the hearing, Ms Staunton, Counsel for the General Dental Council (GDC), made an application to amend the charge, pursuant to Rule 18 of the GDC (Fitness to Practise) Rules 2006. She applied to make the following amendments:

- to delete the word ‘*all*’ from head of charge 3(a);
- to delete the words ‘*LL3 and/or*’ from head of charge 3(c)(iii); and
- to replace the word ‘*preparation*’ with ‘*extraction*’ in head of charge 7(c).

Ms Staunton also applied to amend head of charge 4 to read ‘*By preparing LL4, you prevented Patient 1 from pursuing any other course of treatment aside from at least a two cantilever bridge at a later date*’.

The Committee noted that you raised no particular objection to the proposed amendments. You told the Committee that you wished to show co-operation with the GDC.

Having received advice from the Legal Adviser, the Committee acceded to the Ms Staunton’s application in respect of heads 3(c)(iii) and 7(c). It accepted her submission that these amendments were required to accurately reflect the true clinical nature of the treatment provided to Patient 1. The Committee considered that no injustice would be

caused by agreeing to the proposed changes. However, the Committee rejected the proposed amendments to heads 3(a) and 4. It considered that the deletion of the word ‘all’ from head of charge 3(a) would substantially alter the meaning of the allegation and that this would be prejudicial to you. The Committee also took into account the fact that this application only occurred after the wording of head 3(a) was brought to Ms Staunton’s attention by the Legal Adviser. In relation to head of charge 4, the Committee concluded that the proposed amendment would not add any clarity to the allegation and was therefore unnecessary.

Subsequently, you admitted the following heads of the amended charge: 1 in its entirety; 2 in its entirety; 3(a)(ii), 3(b), 3(c) in its entirety, 5, 7(a), 7(b), 7(d), 7(e) and 8 in its entirety. Accordingly, the Committee announced all these heads of charge as proved by admission.

During the course of the hearing, the Committee acceded to a further Rule 18 application made by Ms Staunton and agreed by you to amend head of charge 7(e) to read ‘*for changing Patient 1’s treatment from a two tooth cantilever bridge to a three tooth fixed-fixed bridge*’. The Committee was satisfied that this amendment reflected the evidence and that there would be no injustice in permitting it. You reconfirmed your admission to head of charge 7(e), as amended.

In making its findings on the outstanding heads of charge, the Committee has considered all the evidence presented to it. It received documentary evidence, which included your computerised dental records in respect of Patient 1, as well as the dental records of Dr David Nolte, the dentist who subsequently treated Patient 1. The Committee also received the witness statement of Dr Nolte. Ms Staunton informed the Committee that Dr Nolte is currently abroad, in a remote location, with no telephone or internet access. In accepting Dr Nolte’s witness statement into evidence, the Committee took into account that you agreed to the statement being admitted. The Committee noted that in these circumstances, it was a matter for it to decide what weight to attach to Dr Nolte’s evidence.

The Committee heard factual evidence from Patient 1 and from you. It also heard evidence from, and received the report of, Mr Roger Turner, the expert witness called by the GDC.

The Committee has taken account of Ms Staunton’s submissions on the outstanding facts and your submissions. It has accepted the advice of the Legal Adviser. In accordance with that advice, it has considered each outstanding 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 allegations are proved on the balance of probabilities.

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

3. a) i)	Not proved. Ms Staunton indicated at the outset that the GDC would not be offering any evidence in respect of this head of charge.
3. a) iii)	Not proved. At the end of the GDC’s case, Ms Staunton invited the Committee to find this head of charge not proved.
3. a) iv)	Not proved. Ms Staunton indicated at the outset that the GDC would not be offering any evidence in respect of this head of charge.

3. a) v)	<p>Not proved.</p> <p>In reaching its decision on this head of charge, the Committee considered the wording of the stem at 3(a), which states that “You failed to mention all the following treatment options”. It determined that the inclusion of the word ‘all’ in the stem required a positive finding in respect of all the sub-heads 3(a)(i) to 3(a)(v). As no evidence has been offered in respect of three of the sub-heads, the Committee concluded that the stem could no longer stand in relation to 3(a)(v) alone.</p>
4.	<p>Not proved.</p> <p>Mr Turner conceded in evidence that there was, in his opinion, at least one other treatment option available to Patient 1. The Committee also noted that, in his statement, Dr Nolte refers to the possibility of further treatment options for the patient. In fact, Patient 1 informed the Committee that she has since had an implant placed where the LL3 was extracted and that her LL2 and LL4 now have individual crowns.</p>
6.	<p>Not proved.</p> <p>At the end of the GDC’s case, Ms Staunton invited the Committee to find this head of charge not proved.</p>
7. c)	<p>Not proved.</p> <p>Ms Staunton indicated at the outset that the GDC would not be offering any evidence in respect of this head of charge.</p>

We move to Stage Two.”

On 24 April 2014 the Chairman announced the determination as follows:

“Mr Sayanvala,

The Committee has considered all the evidence presented to it, both oral and documentary. It has taken account of the submissions made by Ms Staunton on behalf of the General Dental Council (GDC) and your submissions. The Committee has accepted the advice of the Legal Adviser.

The proven facts in this case relate to your treatment of one patient, Patient 1, between 7 June 2011 and 8 October 2012 at the Longlands Dental Practice. You have admitted, and the Committee has found, that the standard of care you provided to Patient 1 fell below that reasonably expected of a dental practitioner in a number of respects.

During your treatment of Patient 1 over the period in question, you failed to:

- carry out a periodontal assessment;
- take an updated medical history;
- justify, take and report on radiographs as clinically necessary;
- provide adequate oral health advice;
- diagnose a number of potentially serious dental conditions;

- provide an adequate standard of record keeping.

On 18 July 2012 Patient 1 attended the Practice for an emergency appointment, complaining of a problem with her LL3. A periapical radiograph showed a large carious lesion, which had almost destroyed the crown of the tooth. As Patient 1 was about to go on holiday, you placed a temporary filling in the LL3, with the intention of preparing the tooth for a post retained crown on her return. Whilst on holiday Patient 1's LL3 fractured sub-gingivally.

At her next scheduled appointment on 9 August 2012, you recorded in the dental records that her LL3 had a poor prognosis for a post retained crown. Therefore, you extracted the LL3 and prepared the LL4 before placing a temporary bridge. The proposed treatment plan at that time was a two tooth cantilever bridge replacing the LL3 and retained on LL4. However, at an appointment on 8 October 2012, you varied the treatment plan to prepare the LL2, a healthy tooth. You fitted a temporary three tooth fixed-fixed bridge, retained on the LL2 and LL4, which was of poor quality. This variance was not with the informed consent of Patient 1.

#### Misconduct

The Committee first considered whether the facts found proved amounted to misconduct. It took into account that misconduct in this regulatory context is a serious falling short of the standards expected of a dental professional.

The Committee noted that you accept that your failings in Patient 1's case amounted to misconduct. In reaching its decision on the issue, the Committee had regard to the advice of the Legal Adviser that misconduct does not need to be attached to any particular finding in this case, but that your overall treatment of Patient 1 should be assessed.

There were wide ranging failings across your clinical care of Patient 1. While the Committee took into account that this case relates to the treatment of one patient, the majority of the identified failings persisted over a significant period of time. They also included serious breaches of fundamental principles in dentistry, such as your failure to obtain informed consent from the patient and numerous deficiencies in your record keeping. You acknowledged that your clinical practice fell far short of what was required of you and the Committee agrees.

The Committee considered that it is clear from the evidence that your care and treatment of Patient 1 represented a serious departure from many of the professional standards set by the GDC and amounted to misconduct.

#### Impairment

The Committee next considered whether your fitness to practise is currently impaired by reason of misconduct. In reaching its decision, the Committee exercised its own independent judgement. It bore in mind that its duty is to protect the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.

While the Committee's opinion is that the identified failings in your clinical practice are capable of being remedied, it has not been satisfied from all the evidence that you have remedied them. The Committee considers that you have shown some insight into the deficiencies in your practice. This has been demonstrated by the substantial admissions you made at the outset and the concessions you made in evidence. One of these concessions was that the Continuing Professional Development (CPD) you have undertaken so far is not

enough. You accepted that your remediation is an ongoing process and that you could do more.

The Committee notes that the CPD you have completed consists of approximately three hours' worth of online courses. While it took into account your explanation that family commitments have prevented you from travelling to attend courses, it still would have expected more from you, particularly, as you informed the Committee, you have been subject to interim conditions since October 2013. The Committee considered the report dated 17 April 2014, from Mr Mohammed-Aghaei, your practice principal and appointed workplace supervisor. He confirms that he is fully satisfied that you have been complying with your interim conditional registration and refers to the "crucial CPD activities" you have been undertaking to further improve your skills. However, this is not reflected in the material before the Committee today.

The Committee acknowledges from your evidence that you now have an understanding of your failings, including certain stress factors which may have contributed to your past poor practice. The Committee has seen from the dental records before it, which date back to 2006, that you are capable of meeting the standards required of you. However, you have provided little or no objective evidence at this hearing to demonstrate this standard in your current practice. You have not provided any evidence of reflection or how you have embedded your learning into your day-to-day clinical practice. The Committee had regard to the evidence of audit you submitted, but it provided only limited assurance of your understanding of its purpose.

In the Committee's view, you have chosen to do what is perhaps convenient in terms of remediation, rather than to fully address the serious and wide ranging issues highlighted in this case. This is not only demonstrated by your very limited CPD, but also by the fact that you took no individual action to address the then alleged failings in the nine months following Patient 1's complaint to the GDC. Also, despite having been subject to interim conditions since October 2013, you only started undertaking CPD in January 2014.

Taking into account all of these concerns, the Committee is not confident that you are safe to practise dentistry unrestricted. Given your lack of remediation, there is a clear and ongoing risk to patient safety and the Committee considers that the public's confidence in the dental profession would be undermined if a finding of impairment were not made in these circumstances. The Committee has therefore determined that your fitness to practise is currently impaired.

### Sanction

The Committee considered what sanction, if any, to impose on your registration. It reminded itself that the purpose of a sanction is not to be punitive, although it may have that effect, but to protect patients and the wider public interest.

The Committee took into account the 'Guidance for the Professional Conduct Committee (November 2009)'. It considered the range of sanctions available to it, starting with the least serious. The Committee applied the principle of proportionality, balancing the public interest with your own interests.

The Committee determined that it would be inappropriate and insufficient to conclude this case without taking any action in respect of your registration. This course of action would not protect patients nor would it satisfy the public interest. The Committee came to the same conclusions in respect of issuing a reprimand.

The Committee considered whether to impose conditions on your registration. It took into account that any conditions imposed would have to be clear, workable and measurable. Having decided that your failings are remediable and given the level of insight you have shown into your circumstances, the Committee decided that it could formulate workable conditions. In reaching this decision, the Committee took into account your honesty and willingness in accepting that you have further work to do in addressing the concerns that have been raised. It also took into account the positive testimonials tendered on your behalf which attest to your skills and potential as a dentist.

The Committee considered that a higher sanction would be disproportionate in this case, as a set of robust conditions would serve to protect the public adequately.

In all the circumstances, the Committee has determined that it is appropriate and proportionate to impose conditions on your registration for a period of 18 months. It considers that this period would be sufficient to enable you to demonstrate your progress towards remediation across the range of clinical areas.

The following conditions are set out as they will appear against your name in the Dentists Register:

1. He must notify the General Dental Council (GDC) promptly of any professional appointment he accepts and provide the contact details of his employer or any organisation for which he is contracted to provide dental services and the Commissioning Body on whose Dental Performers List he is included or Local Health Board if in Wales, Scotland or Northern Ireland.
2. He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services, and any Postgraduate Dental Dean/Director, reporter, supervisor or educational supervisor referred to in these conditions.
3. 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. The reporter shall be a GDC registrant at the same level as him in the Dentists Register.
4. He must allow the reporter to provide reports to the GDC at intervals of not less than six months and the GDC will make these reports available to any Postgraduate Dental Dean/Director, supervisor or educational supervisor referred to in these conditions.
5. He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.
6. He must inform the GDC if he applies for dental employment outside the UK.
7. He must work with a Postgraduate Dental Dean/Director (or a nominated deputy), to formulate a Personal Development Plan, specifically designed to address the deficiencies in the following areas of his practice:
  - Informed consent
  - Record keeping
  - Diagnosis and treatment planning

- Radiography
  - Patient management, which should include:
    - Communication skills
    - Meeting patients' expectations
    - Time management
    - Management of the clinical environment
8. He must forward a copy of his Personal Development Plan to the GDC within three months of the date on which these conditions become effective.
  9. He must meet with the Postgraduate Dental Dean/Director (or a nominated deputy), on a regular basis to discuss his progress towards achieving the aims set out in his Personal Development Plan. The frequency of his meetings is to be set by the Postgraduate Dental Dean/Director (or a nominated deputy).
  10. He must allow the GDC to exchange information about the standard of his professional performance and his progress towards achieving the aims set out in his Personal Development Plan with the Postgraduate Dental Dean/Director (or a nominated deputy), and any other person involved in his retraining and supervision.
  11. At any time that he is employed, or providing dental services, which require him to be registered with the GDC; he must place himself and remain under the supervision of an educational supervisor appointed by the Postgraduate Dental Dean/Director (or a nominated deputy).
  12. At any time he is employed, or providing dental services, which require him to be registered with the GDC; he must place himself and remain under the supervision of a supervisor external from his practice for example, a registered dentist from a local practice, nominated by him, and agreed by the GDC.
  13. He must allow his supervisor to provide reports to the GDC at intervals of not less than six months and the GDC will make these reports available to any Postgraduate Dean/Director or educational supervisor referred to in these conditions.
  14. He must keep his professional commitments under review and limit his dental practice in accordance with his supervisor's advice.
  15. He must not work as a locum or undertake any out-of-hours work or on-call duties without the prior agreement of the GDC.
  16. a. He shall carry out audits of:
    - Periodontal assessments
    - Medical histories
    - Radiography
    - Oral health adviceThese audits must be signed by his supervisor.

- b. He must provide evidence of ongoing audit activity in each of these areas to the GDC on a six monthly basis.
17. He must inform within 14 days the following parties that his registration is subject to the conditions, listed at (1) to (16), above:
    - Any organisation or person employing or contracting with him to undertake dental work.
    - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application).
    - Any prospective employer (at the time of application).
    - The Commissioning Body on whose Dental Performers List he is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).
  18. He must permit the GDC to disclose the above conditions, (1) to (17), to any person requesting information about his registration status.

A Committee will review your case at a resumed hearing to be held shortly before the end of the period of conditional registration. That Committee will consider what action it should take in relation to your registration. You will be informed of the date and time of that resumed hearing, which you will be expected to attend.

Unless you exercise your right of appeal, your registration will be subject to the aforementioned conditions 28 days from the date when notice of this determination is deemed served upon you.

However, the Committee invites submissions from Ms Staunton and from you, as to whether the conditions should be imposed on your registration immediately to cover the 28-day appeal period.”

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“Mr Sayanvala,

In deciding whether to impose an immediate order for conditions on your registration, the Committee has considered the submissions made by Ms Staunton on behalf of the General Dental Council, as well as your own submissions. Ms Staunton submitted that such an order should be imposed. You told the Committee that you did not oppose the immediate imposition of the conditions. The Committee accepted the legal advice.

The Committee has determined that it is necessary for the protection of the public and is otherwise in the public interest to impose an immediate order for conditions on your registration. You are yet to sufficiently remedy the failings that have been identified in your clinical practice and would therefore pose a risk to patient safety, if you were to practise unrestricted, even for a short period. The Committee considers that an immediate order would maintain public confidence in the dental profession and this regulatory process.

The effect of the foregoing determination and this order is that your registration is subject to the conditions immediately to cover the appeal period. If you do not appeal, the substantive direction for conditions will take effect 28 days from the date when notice is deemed to have been served upon you and will continue for 18 months.

Should you exercise your right of appeal, this immediate order for conditions will remain in place until the resolution of any appeal.

The interim order currently on your registration is hereby revoked.

That concludes this hearing.”

### **May 2015 Full Determination**

#### **Charge**

“That, being a registered dentist,

1. At all material times you were a dentist at Watford Dental Care, 58 Merton Road, Watford, Hertfordshire WD18 0WY.
2. On dates between 25 March 2010 and 4 June 2010 you provided a course of treatment to Patient 1 (as named in Schedule A\*).
3. On 25 March 2010 you did not provide an adequate standard of care to Patient 1, in the following regards:
  - a. You failed to carry out a full assessment of the patient's presenting dental condition;
  - b. You failed to carry out a full diagnostic assessment of Patient 1 including:
    - i. Charting of teeth present;
    - ii. Soft tissue examination;
    - iii. Temporomandibular joint assessment;
    - iv. Oral Hygiene assessment.
  - c. You failed to take radiographs of diagnostic quality;
  - d. You failed to discuss all treatment options for LR6 with the patient including:
    - i. Amalgam filling; and/or
    - ii. Composite filling
4. On 6 April 2010 you did not provide an adequate standard of care to Patient 1, in the following regards:
  - a. You failed to carry out a full assessment of the patient's presenting pain;
  - b. You failed to diagnose the cause of the patient's pain which was acute pulpitis;
  - c. You prescribed antibiotics when it was not clinically indicated as Patient 1 was not suffering from an infection;
  - d. You prescribed antibiotics in excess of the recommended dose which was:
    - i. not clinically justified; and/or
    - ii. inappropriate
  - e. You prescribed antibiotics in excess of the recommended duration which was:
    - i. not clinically justified; and/or

- ii. inappropriate
  - f. You did not treat LR6 as clinically indicated;
  - g. You took a periapical radiograph which was poorly processed and of limited diagnostic value.
- 5. On 12 April 2010 you did not provide an adequate standard of care to Patient 1, in the following regards:
  - a. You failed to carry out a full assessment of the patient's presenting pain;
  - b. You failed to diagnose the cause of the patient's pain which was acute pulpitis.
- 6. On or after 27 May 2014, you failed to take a post-operative radiograph following root canal treatment to LR6, as recommended in the guidelines.
- 7. On 25 March 2010 you did not provide an adequate standard of record keeping to Patient 1, in the following regards:
  - a. You failed to record the full assessment of the patient's presenting dental condition including:
    - i. Charting of teeth present;
    - ii. Soft tissue examination;
    - iii. Temporomandibular joint assessment;
    - iv. Oral Hygiene assessment;
    - v. Determine a recall interval
  - b. You failed to record the discussion of all treatment options for LR6 with the patient;
- 8. On 29 March 2010 you did not provide an adequate standard of record keeping to Patient 1, in the following regards:
  - a. You failed to retain a copy of the laboratory prescription in the notes as recommended;
  - b. You failed to record the local anaesthetic used;
  - c. You failed to record the impression material used;
  - d. You failed to record the type of inlay to be made.
- 9. On 6 April 2010 you did not provide an adequate standard of record keeping to Patient 1, in the following regards:
  - a. You failed to record a full assessment of the patient's presenting pain;
  - b. You failed to record a diagnosis of the patient's pain;
  - c. You failed to record a clinical justification for the prescription of antibiotics;
  - d. You failed to record a clinical justification for prescribing antibiotics in excess of the recommended dose;
  - e. You failed to record a clinical justification for prescribing antibiotics in excess of the recommended duration.

10. On 12 April 2010 you did not provide an adequate standard of record keeping to Patient 1, in the following regards:
  - a. You failed to record a full assessment of the patient's presenting pain;
  - b. You failed to record a diagnosis of the patient's pain.
11. On 20 May 2010 you did not provide an adequate standard of record keeping to Patient 1, in the following regards:
  - a. You failed to record the local anaesthetic used during the root canal treatment to LR6;
12. On 27 May 2010 you did not provide an adequate standard of record keeping to Patient 1, in the following regards:
  - a. You failed to record the local anaesthetic used during the root canal treatment to LR6;
  - b. You failed to record the temporary dressing placed in the tooth;
  - c. In regards to working length radiograph, you failed to:
    - i. Record the radiograph in the notes;
    - ii. Report on the radiograph in the notes.

And that by reason of the facts alleged your fitness to practise as a dentist is impaired by reason of your Misconduct.”

On 8 May 2015 the Chairman made the following statement regarding the finding of facts:

“Mr Sayanvala,

This case concerns your care and treatment of one patient, Patient 1, in 2010. Over the period in question, Patient 1 attended a number of appointments in connection with dental treatment. It is alleged by the General Dental Council (GDC) that the standard of your care, assessment, treatment and record keeping in relation to Patient 1, was inadequate in a number of respects.

During the course of stage one of these proceedings, you admitted a number of the allegations made against you.

The Committee received the witness statements of Patient 1 and her subsequent treating dentist. It heard evidence from you about the factual matters in this case. The Committee considered that you gave your evidence to the best of your recollection. In relation to the treatment you provided to Patient 1, you conceded that there were some things that you had failed to do.

By way of expert evidence, the Committee received a report from and heard the evidence of, Mr Roger Turner, called on behalf of the GDC. The Committee was assisted by his clear and consistent evidence.

The Committee has considered all the evidence presented to it. It has taken into account the closing submissions made by Ms French for the GDC, and those made by you. The Committee has accepted the advice of the Legal Adviser. It has considered each head of charge separately, bearing in mind that the burden of proof rests with the GDC. The

standard of proof is the civil standard, that is, whether the allegations are proved on the balance of probabilities. This means that the Committee has had to decide whether it was more likely than not that the alleged matters occurred.

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

1.	Admitted and proved.
2.	Admitted and proved.
3.a	<p>Proved.</p> <p>Mr Turner described to the Committee what is necessary in order for there to be a full assessment of a patient's presenting dental condition. These matters include intra and extra oral assessment, examination of the mucosa, the lymph nodes and the palate. The Committee has inferred that a full assessment would also include some procedures that you admit you did not carry out, such as teeth charting and temporomandibular joint assessment.</p> <p>You told the Committee that you did carry out a full assessment of the patient's presenting dental condition, but failed to make a comprehensive note. In the absence of such a note of any assessment, and five years having elapsed since these events occurred, the Committee cannot rely on your recall. The Committee has concluded that you did not carry out a full assessment of the patients presenting condition. It therefore finds this head of charge proved.</p>
3.b.i	Admitted and proved.
3.b.ii	<p>Proved.</p> <p>You told the Committee that it is your standard practice to undertake a soft tissue examination and that you did so in this instance, but failed to make a note. In the absence of a note of any soft tissue examination, and five years having elapsed since these events occurred, the Committee cannot rely on your recall. The Committee has therefore concluded that you did not carry out a soft tissue examination. It therefore finds this head of charge proved.</p>
3.b.iii	Admitted and proved.
3.b.iv	<p>Proved.</p> <p>You told the Committee that it is your standard practice to undertake an oral hygiene assessment and that you did so in this instance, but failed to make a note.</p> <p>The Committee records indicate that you carried out a basic periodontal examination and noted scores of 2, indicating the presence of calculus. You also noted that the patient had reported oral bleeding. Despite this, you did not record having carried out an oral hygiene assessment.</p> <p>The Committee has concluded that in the absence of a note an oral hygiene assessment was not undertaken. It therefore finds this head of charge proved.</p>

3.c	<p>Proved.</p> <p>You told the Committee that you were able to make use of the radiographs for diagnostic purposes at the time that you took them, but that deterioration may have occurred afterward due to how they were stored.</p> <p>However the Committee has seen the radiographs and it accepts the evidence of Mr Turner that they are not of diagnostic quality and are grade three.</p>
3.d.i	<p>Proved.</p> <p>You made a record on 25 March 2010 that you were going to provide the patient with a ceramic inlay. You did not record that there had been any discussion of the option of an amalgam filling.</p> <p>Although you asserted in your evidence to this Committee that you did discuss the option of an amalgam filling, in the absence of a note of any such option having been discussed, and five years having elapsed since these events occurred, the Committee cannot rely on your recall. The Committee concluded that you did not discuss the option of an amalgam filling with the patient. It therefore finds this head of charge proved.</p>
3.d.ii	<p>Proved.</p> <p>You made a record on 25 March 2010 that you were going to provide the patient with a ceramic inlay. You did not record that there had been any discussion of the option of a composite filling.</p> <p>Although you asserted in your evidence to this Committee that you did discuss the option of a composite filling, in the absence of a note of any such option having been discussed, and five years having elapsed since these events occurred, the Committee cannot rely on your recall. The Committee therefore concluded that you did not discuss the option of a composite filling with the patient. It therefore finds this head of charge proved.</p>
4.a	<p>Proved.</p> <p>Your notes of 6 April 2010 indicate that you made a limited assessment of the patient's presenting pain. However you only recorded some matters such as 'ttp' and 'pa shows okay'. Mr Turner's evidence to the Committee was that matters such as the depth of the caries, proximity of the pulp chamber, adequate dental history should have been noted. Your assessment was therefore not full.</p> <p>Furthermore the Committee finds that your lack of a diagnosis makes it more likely that you did fail to carry out a full assessment of the patient's presenting pain.</p>
4.b	Admitted and proved.
4.c	Admitted and proved.
4.d.i	Admitted and proved.

4.d.ii	Admitted and proved.
4.e.i	Admitted and proved.
4.e.ii	Admitted and proved.
4.f	Admitted and proved.
4.g	Not proved.  Mr Turner described this periapical radiograph as grade 2. He said that the aspects that you needed to examine are visible. The Committee has therefore concluded that the radiograph was adequate in the circumstances.
5.a	Proved.  There is no evidence within the notes that you carried out a full assessment of the patient's presenting pain. Although you asserted in your evidence that you did assess her presenting pain, in the absence of a note of any such assessment having occurred, and five years having elapsed since these events occurred, the Committee cannot rely on your recall. The Committee therefore concluded that you did not assess the patient's presenting pain. It therefore finds this head of charge proved.
5.b	Admitted and proved.
6.	Admitted and proved.
7.a.i	Admitted and proved.
7.a.ii	Admitted and proved.
7.a.iii	Admitted and proved.
7.a.iv	Admitted and proved.
7.a.v	Not proved.  On 25 March 2010, you had not yet completed the patient's treatment and the outcome of treatment was not yet known. Determining a recall interval would therefore not have been appropriate at this stage.
7.b	Admitted and proved.
8.a	Admitted and proved.
8.b	Admitted and proved.
8.c	Admitted and proved.
8.d	Admitted and proved.
9.a	Admitted and proved.
9.b	Admitted and proved.
9.c	Admitted and proved.
9.d	Admitted and proved.

9.e	Admitted and proved.
10.a	Admitted and proved.
10.b	Admitted and proved.
11.a	Admitted and proved.
12.a	Admitted and proved.
12.b	Admitted and proved.
12.c.i	Admitted and proved.
12.c.ii	Admitted and proved.

We move to Stage Two.”

On 8 May 2015 the Chairman announced the determination as follows:

“Mr Sayanvala,

Between 25 March 2010 and 4 June 2010 you provided a course of treatment to Patient 1. You did not provide an adequate standard of care in a number of respects, including:

- Failing to carry out a full assessment of the presenting dental condition;
- Failing to carry out a full diagnostic assessment;
- Failing to take radiographs of diagnostic quality;
- Failing to discuss treatment options;
- Failing to diagnose the cause of the patient’s pain;
- Prescribing antibiotics when they were not clinically indicated;
- Prescribing antibiotics in excess of the recommended dose and duration;
- Failing to provide treatment that was clinically indicated;
- Failing to take a post-operative radiograph following root canal treatment;
- Failing to provide an adequate standard of record keeping.

The Committee considered the further evidence and documentation that was put before it at this second stage of the proceedings, including in regard to a Professional Conduct Committee (PCC) hearing in April 2014 that resulted in a finding against you of current impairment and the imposition of conditions of practise upon your registration for a period of 18 months. It heard submissions from Ms French on behalf of the General Dental Council (GDC) and from you. It accepted the advice of the Legal Adviser.

#### MISCONDUCT

The Committee considered whether any of the facts found proved against you amounted to misconduct. In so doing, it had regard to the publication *Standards for Dental Professionals*. It looked in particular at the following paragraphs:

- 1.4 Make and keep accurate and complete patient records, including a medical history, at the time you treat them. Make sure that patients have easy access to their records.
- 2.4 Listen to patients and give them the information they need, in a way they can use, so that they can make decisions. This will include:
  - communicating effectively with patients;
  - explaining options (including risks and benefits); and
  - giving full information on proposed treatment and possible costs.

Your failings related to only one patient and occurred some five years ago. However they were repeated and sustained over a period of months. They related to such fundamental matters as the provision of an adequate standard of care, informing the patient of other treatment options, assessment, examination, diagnosis, the taking of radiographs of diagnostic quality and appropriate prescribing of antibiotics. There is clear guidance and expectations as to what is expected of a practitioner in relation to such basic aspects of dentistry. The Committee is satisfied that your failures were a clear departure from the standards, and fell far short of what is expected of a reasonable dentist in a number of respects. Taken cumulatively, and having regard to the appropriate standards, the Committee is satisfied that your failures were serious and would be considered deplorable by fellow professionals. It finds that the deficiencies in your conduct and practice amount to misconduct.

#### IMPAIRMENT

In considering whether your fitness to practise is currently impaired, the Committee reminded itself of the fundamental considerations of the need to protect the public and the need to declare and uphold proper standards of conduct and behaviour so as to maintain public confidence in the profession, as well as the factors of remediation and risk of repetition.

The Committee found your failings to be remediable. It was satisfied that the deficiencies in your professional practice could be addressed by engagement in remedial activity aimed at addressing the identified deficiencies in your practice.

The Committee considered whether you had remedied the deficiencies. It had regard to the material you submitted including evidence of your attendance on continuing professional development courses in relation to a number of subjects - record keeping, periodontology, consent, diagnosis and interpreting radiographs. The Committee also considered the audits on antimicrobial prescribing, the quality of intra-oral radiographs, medical history and periodontal monitoring. The Committee was assisted by the letter dated 18 February from your Reporter, appointed for the purposes of your current PCC conditions, in which he states in relation to your record keeping that you have '...shown significant understanding and improvements.' In a letter dated 8 May 2015, he states that he is confident that you will continue to improve your practice over time.

You told the Committee that you regularly attend at your local Deanery and have been assisted by them in developing a Personal Development Plan (PDP). You stated that you are benefitting from the input and guidance of an Educational Supervisor appointed by the GDC.

You have said that the conditions that were imposed upon you last year have been of great benefit to you and that your practice is much improved as a result.

The Committee is impressed with the progress that you have made so far. You have clearly developed a degree of insight into the matters that have led you to appear before this Committee today, as well as the matters resulting in your PCC hearing last year.

However the Committee concluded that your misconduct is so serious that it could amount to current impairment. Although you have taken significant steps to address that misconduct, it is not satisfied that your remediation is entirely complete and fully embedded for the future. You continue to benefit from the guidance of others and the current order of conditions remains in place for another six months.

Today this Committee's main concern is with the shortcomings that have been identified in this case. Your progress began only following the PCC proceedings last year and the conditions then imposed. It did not see any evidence that demonstrated the improvements in your record keeping that you described. Nor is it aware of how sustained and embedded these improvements are. Audits, anonymised examples of your records and your Supervisors comments about them would have assisted the Committee in this regard.

In the light of the limited evidence of remediation before it, the Committee cannot be satisfied that your failings would not be repeated.

In the light of all of these matters the Committee finds that your fitness to practise is currently impaired.

#### **SANCTION**

The Committee next considered what sanction, if any, to impose. In considering sanction, it had regard to the Guidance for the Professional Conduct Committee dated 6 April 2015. It bore in mind the importance of the principle of proportionality.

The Committee has read the supportive testimonials from your patients which describe you as a skilled and caring dentist. It also took account of the patient satisfaction forms you submitted in which patients gave positive feedback regarding their treatment.

However, your misconduct was sustained over a number of months and it was serious. Furthermore, in the Committee's view you are yet to fully demonstrate the adequacy of your record keeping and antimicrobial prescribing.

The Committee bore these factors in mind when determining the issue of sanction.

The Committee considered whether it would be appropriate to conclude the case with no further action. But it determined that to do so would be inadequate in the light of the aspects of your misconduct it has identified as yet to be fully remedied.

The Committee next considered whether to issue you with a reprimand. However in the light of the identified risk of repetition and the fact that a reprimand would not serve to remedy your misconduct, the Committee determined that such a sanction would not be sufficient to ensure patient safety.

The Committee next considered whether to impose conditions of practice upon your registration for a specified period. The Committee considered that the areas of your practice in which it wishes to see further evidence of improvement are amenable to remediation by way of conditions. Furthermore the Committee is satisfied that conditions would serve to safeguard patients as well as facilitate your remediation.

The Committee has therefore determined that your registration shall be made subject to conditions. They will appear against your name in the Dentists' Register in the following terms:

1. He must notify the General Dental Council (GDC) promptly of any professional appointment he accepts and provide the contact details of his employer or any organisation for which he is contracted to provide dental services and the Commissioning Body on whose Dental Performers List he is included or Local Health Board if in Wales, Scotland or Northern Ireland.
2. He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services, and any Postgraduate Dental Dean/Director and supervisor referred to in these conditions.
3. He must inform the GDC of any formal disciplinary proceedings taken against him, from the date of this determination.
4. He must inform the GDC if he applies for dental employment outside the UK.
5. He must work with a Postgraduate Dental Dean/Director (or a nominated deputy), to formulate a Personal Development Plan, specifically designed to address the deficiencies in the following areas of his practice:
  - Record keeping
  - Diagnosis and assessment
  - Radiography
6. He must forward a copy of his Personal Development Plan to the GDC within three months of the date on which these conditions become effective.
7. He must meet with the Postgraduate Dental Dean/Director (or a nominated deputy), on a regular basis to discuss his progress towards achieving the aims set out in his Personal Development Plan. The frequency of his meetings is to be set by the Postgraduate Dental Dean/Director (or a nominated deputy).
8. He must allow the GDC to exchange information about the standard of his professional performance and his progress towards achieving the aims set out in his Personal Development Plan with the Postgraduate Dental Dean/Director (or a nominated deputy), and any other person involved in his retraining and supervision.
9. At any time he is employed, or providing dental services, which require him to be registered with the GDC; he must place himself and remain under the supervision of a supervisor external from his practice for example, a registered dentist from a local practice, nominated by him, and agreed by the GDC.
10. He must allow his supervisor to provide reports to the GDC at intervals of not less than six months (and at least two weeks prior to any review hearing) and the GDC will make these reports available to the Postgraduate Dean/Director.
11. He must keep his professional commitments under review and limit his dental practice in accordance with his supervisor's advice.
12. a. He shall carry out audits of:
  - Record keeping

- Radiography

These audits must be signed by his supervisor.

- b. He must provide evidence of ongoing audit activity in each of these areas to the GDC on a six monthly basis and no less than two weeks before a review hearing.
13. He must inform within 14 days the following parties that his registration is subject to the conditions, listed above:
- Any organisation or person employing or contracting with him to undertake dental work.
  - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application).
  - Any prospective employer (at the time of application).
  - The Commissioning Body on whose Dental Performers List he is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).
14. He must permit the GDC to disclose the above conditions to any person requesting information about his registration status.

These conditions are imposed for a period of six months and will be reviewed shortly before the end of that period.

Unless you exercise your right of appeal, your registration will be subject to the aforementioned conditions 28 days from the date when notice of this determination is deemed served upon you.

The Committee invites submissions from Ms French and from you, as to whether the conditions should be imposed on your registration immediately to cover the 28-day appeal period.”

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“Mr Sayanvala,

In deciding whether to impose an immediate order for conditions on your registration, the Committee has considered the submissions made by Ms French on behalf of the General Dental Council, as well as your own submissions. Ms French submitted that such an order should be imposed. You did not oppose the immediate imposition of the conditions. The Committee accepted the advice of the Legal Adviser.

The Committee has determined that it is necessary for the protection of the public to impose an immediate order for conditions on your registration for the same reasons as given in the substantive determination.

The effect of the foregoing determination and this order is that your registration is subject to the conditions immediately to cover the appeal period. If you do not appeal, the substantive direction for conditions will take effect 28 days from the date when notice is deemed to have been served upon you and will continue for 6 months.

Should you exercise your right of appeal, this immediate order for conditions will remain in place until the resolution of any appeal.

The interim order currently imposed upon your registration is hereby revoked.

That concludes this hearing.”

### **September 2015 Review Determination**

Please note this review determination affects the outcomes of two separate cases. See page 5 for April 2014 Determination. See page 16 for May 2015 determination.

On 23 September 2015 at a review hearing, the Chairman announced the determination as follows:

“Mr Sayanvala: This is an early review hearing of your case following directions made by a Professional Conduct Committee (PCC) on 24 April 2014 and on 8 May 2015 that your registration be subject to conditions for periods of 18 months (from April 2014) and 6 months (from May 2015) respectively. Both PCCs directed that your case should be reviewed before the expiry of the order. The order imposed by the PCC at the hearing in April 2014 is due to expire on 22 November 2015 and that imposed by the PCC in May 2015 is due to expire on 4 December 2015. The General Dental Council (GDC) has requested an early review of both orders in the light of potential breaches of conditions. You were placed on notice of the purpose of today’s hearing by the GDC in their two letters, both dated 25 August 2015.

In accordance with Rule 29(a) of the General Dental Council (GDC) (Fitness to Practise) Rules Order of Council 2006, Mr Dent, on behalf of the GDC, has provided this Committee with the background to your case.

#### **PCC hearing 24 April 2014**

The findings in this case related to your treatment of Patient 1 between 7 June 2011 and 8 October 2012 while you were working at the Longlands Dental Practice. During that time you failed to:

- carry out a periodontal assessment;
- take an updated medical history;
- justify, take and report on radiographs as clinically necessary;
- provide adequate oral health advice;
- diagnose a number of potentially serious dental conditions;
- provide an adequate standard of record keeping.

The PCC noted that there were wide ranging failings across your clinical care of Patient 1, which included serious breaches of fundamental principles in dentistry. You acknowledged that your clinical practice fell far short of what was required of you. The PCC concluded that your treatment of Patient 1 represented a serious departure from many of the professional standards set by the GDC and amounted to misconduct.

The PCC determined that your fitness to practise was impaired. In the PCC’s view, it considered that “*You have chosen to do what is perhaps convenient in terms of remediation,*

*rather than to fully address the serious and wide ranging issues highlighted in this case. This is not only demonstrated by your very limited CPD, but also by the fact that you took no individual action to address the then alleged failings in the nine months following Patient 1's complaint to the GDC".* It directed that your registration be subject to conditions for a period of 18 months. In reaching its decision, the PCC took into account "your honesty and willingness in accepting that you have further work to do in addressing the concerns that have been raised. It also took into account the positive testimonials tendered on your behalf which attest to your skills and potential as a dentist." It considered that a higher sanction would be disproportionate in this case, as a set of robust conditions would serve to protect the public adequately.

### **PCC hearing May 2015**

The findings against you related to the treatment you provided to Patient 1 between 25 March 2010 and 4 June 2010. That PCC found that you did not provide an adequate standard of care in a number of respects, including:

- Failing to carry out a full assessment of the presenting dental condition and to carry out a full diagnostic assessment;
- Failing to take radiographs of diagnostic quality;
- Failing to discuss treatment options;
- Failing to diagnose the cause of the patient's pain;
- Prescribing antibiotics when they were not clinically indicated, and in excess of the recommended dose and duration;
- Failing to provide treatment that was clinically indicated;
- Failing to take a post-operative radiograph following root canal treatment;
- Failing to provide an adequate standard of record keeping.

The PCC was satisfied that you had breached the GDC's standards, and that the findings amounted to a falling short of what is expected of a reasonable dentist. It concluded that the findings against you amounted to misconduct.

The PCC was of the view that the deficiencies in your professional practice could be addressed by your engagement in remedial activity aimed at addressing the identified deficiencies in your practice. It noted the evidence of your attendance at relevant courses as part of your continuing professional development (CPD), as well as the audits of certain areas of your practice which had been undertaken. However, it was concerned that your progress towards addressing your shortcomings only came about following the PCC hearing in April 2014. In short, it considered that the evidence of remediation before it was "limited" and it was concerned about the standard of your record keeping and your antimicrobial prescribing. The PCC was not satisfied that your failings would not be repeated. Taking all these factors into account, the PCC determined that your fitness to practise was currently impaired.

The PCC directed that your registration be subject to conditions for a period of six months.

### **Today's review hearing**

This Committee has considered whether you have complied with the conditions imposed on your registration by the PCCs in April 2014 and May 2015 and whether your fitness to

practise remains impaired. In so doing, it has taken into account the submissions made by Mr Dent and your own submissions. The Committee has accepted the advice of the Legal Adviser.

#### **Compliance with the order of April 2014**

The Committee notes that in accordance with condition 3, you were required to agree to the appointment of a reporter approved by the GDC. You were also required (condition 4) to allow the reporter to provide reports to the GDC at intervals of not less than six months. You were also required (condition 7) to work with the Postgraduate Dental Dean/Director to formulate a Personal Development Plan (PDP) specifically designed to address the deficiencies in the following areas of your practice:

- Informed consent
- Record keeping
- Diagnosis and treatment planning
- Radiography
- Patient management, which should include:
  - Communication skills
  - Meeting patients' expectations
  - Time management
  - Management of the clinical environment

You were required to forward a copy of your PDP within three months of the date on which these conditions became effective (condition 8) and to meet with the Postgraduate Dental Dean on a regular basis to discuss your progress towards achieving the aims set out in your PDP. Furthermore, you were required to place yourself under the supervision of a supervisor, and to allow the supervisor to provide reports to the GDC at intervals of not less than six months (conditions 12 and 13). You were required to carry out audits of periodontal assessments, medical histories, radiography and oral health advice and to ensure that these were signed by your supervisor condition (condition 16(a)). In addition, you were prohibited from working as a locum or undertaking any out-of-hours work or on call duties without the prior agreement of the GDC (condition 15).

The Committee has seen a copy of your PDP which you submitted to the GDC on 24 July 2014. You told the Committee that you had not involved the Postgraduate Dental Dean in the formulation of your PDP. It has also had sight of the correspondence between Mr Raj Majithia, Associate Dean, London Dental Education and Training and the GDC regarding your compliance with condition 9. It is apparent from that correspondence that you have not been attending meetings with him. In his report dated 22 August 2014 Mr Majithia confirmed that you did not attend a meeting with him on 2 June 2014. In his communication report dated 2 July 2015 he states that you had not attended any meetings since 6 March 2015 and therefore he is unable to comment on your progress. Your behaviour in this respect represents a clear breach of condition 9.

The Committee notes from the bundle that Mr T was approved by the GDC on 20 June 2014 as your supervisor. The Committee has seen the exchanges of correspondence between Mr T and SC (Senior Case Reviewer at the GDC) in November 2014 regarding his

understanding of his role as your supervisor. In his letter to SC dated 8 December 2014 Mr T enclosed copies of the audits in the following areas: periodontal assessments, medical histories, radiography and oral health advice. Mr T states "I have signed these documents in the belief they are Hassan's work. I have also discussed with him how he might like to develop these audits in the future."

The Committee has also had regard to the various emails from SC to you, in which she requests a report from your reporter, your supervisor and copies of your signed audits, in accordance with conditions 4, 13 and 16(b). SC states that she has not received this email, despite your email on 6 May 2015, in response to her reminder, that it would be forthcoming. SC asked you to explain why this information had not been forthcoming. The Committee notes from SC's letter to you dated 24 June 2015 that she warned you that if you did not reply to her by 1 July 2015 she would submit a report to the In-House Prosecutions Legal Services Team detailing your failure to comply with your conditions. In response to that letter you telephoned SC on 14 September 2015. The record of the telephone call states that you were enquiring whether the GDC had received the audits, to which SC checked the situation and found that she had not received the audits. It also records of the difficulties you say you experienced in making an appointment with Mr Majithia because his secretary had left.

#### **Compliance with the order of May 2015**

Your registration was subject to a number of conditions which were broadly the same as that directed by the PCC in April 2014, save for the areas to be addressed in your PDP. This included a condition (condition 5) that you were required to work with a Postgraduate Dental Dean/Director to formulate a Personal Development Plan, specifically designed to address deficiencies in the following areas of your practice:

- Record keeping
- Diagnosis and assessment
- Radiography

You were required to provide the GDC with a copy of your PDP (condition 6); to meet with the Postgraduate Dental Dean regularly to discuss your progress towards achieving the aims set out in your PDP (condition 7); to allow your supervisor to provide reports to the GDC (condition 10) and to carry out audits of your record keeping and radiography (condition 12(a)), which were to be signed by your supervisor (condition 12(b)).

The Committee's attention has been drawn to the correspondence between May 2015 and July 2015 from SC to you regarding the requirements of the conditions imposed on your registration and the dates by which she requested the information. SC, in her email to you dated 15 September 2015, advised you that she had not received a copy of your PDP, which you were required to submit by 10 August 2015. She confirmed that the audits relating to the conditions were required by 8 October 2015 and advised you to provide them and your supervisor's report without delay and, if not, to provide it to this committee. Finally, SC advised you that Mr Majithia had advised her that you had not met with him since 6 March 2015.

The Committee has also had regard to the bundle of documents you have provided today, which includes the following:

An email dated 22 September 2015 from Mr T to SC, in which he confirms that your auditing abilities have continued to improve.

Signed copies of your latest audits.

A letter dated 8 May 2015 from Mr A (your workplace reporter) who confirms that he has had regular discussions with you about the conditions on your registration.

The supportive testimonials from your patients.

Mr Dent has invited the Committee to consider your lack of compliance with the conditions and the fact that you do not appear to understand the importance of remediating your conduct and the need to complying with the GDC's standards. He submitted that in the light of all of the evidence your fitness to practise remains impaired. On behalf of the GDC, he invited the Committee to consider extending the current order of conditions on your registration for a further period of 12 months.

You have conceded that you have not complied fully with a number of the conditions imposed on you registration, albeit you have provided documents to show the progress you have made. The Committee notes from your correspondence to SC, and in your submissions before it today, some of the difficulties you have experienced in trying to arrange meetings through the secretary of Mr Majthia. You have described your attempts to comply with the conditions as being a "struggle". You told the Committee that you have sold your dental practice in the United Kingdom and that you have been attending to family matters in South Africa. You have put forward these personal matters as the reasons why you were not able to comply with the conditions. In summary, you have accepted that it would be appropriate for your registration to remain subject to conditions.

The Committee has had regard to the email exchange from SC to you in which she sets out the information the GDC requires and the date by which it was required in compliance with the conditions. It is clear from this exchange of emails that you have repeatedly failed to comply with deadlines in terms of the provision of information to the GDC, and thus you have failed to comply with the requirements of your conditions. In particular, the Committee finds that you have breached conditions 1, 3, 4, 6, 7, 8, 9, 11 and 12 of the conditions imposed by the PCC in April 2014 and you have breached conditions 4, 5, 6, 7 and 10 imposed by the PCC in May 2015. The Committee considers that these breaches are widespread and are significant. The Committee is of the view that the development of a PDP in conjunction with the Postgraduate Dental Dean is an essential first step in addressing your failings. It is concerned that your PDP has been devised by yourself, without you having discussed its contents with the Postgraduate Dental Dean. It has heard of the difficulties you have experienced in trying to organise meetings with Mr Majthia. Nevertheless, the Committee considers that it was incumbent upon you to have taken the initiative in resolving the situation. It is concerned that you have not attended any meetings with Mr Majthia since 6 March 2015.

Accordingly, the Committee is not satisfied that you have complied with the conditions on your registration. There is no evidence before this Committee to satisfy it that you have addressed adequately the concerns identified by the PCC in April 2014 and May 2015. In addition, the Committee has grave concerns as to whether you understand the importance of adhering to the requirements of your conditional registration. Taking all these factors into account, the Committee is satisfied that your fitness to practise remains impaired.

The Committee next considered what sanction, if any, to impose on your registration. It reminded itself that the purpose of these procedures is not to be punitive, but to protect the public, to uphold the reputation of the profession and to maintain public confidence in the

profession. The Committee has borne in mind the principle of proportionality. The Committee has considered its powers in accordance with Section 27C(2) of the Dentists Act 1984.

In the light of its findings that you have breached the conditions imposed on your registration by the PCC in April 2014 and May 2015, the Committee has concluded that it is necessary for the protection of patients that your registration be restricted. It considered whether it would be sufficient to direct that your current period of conditional registration be extended, as invited by both parties. The Committee is concerned by the widespread nature of your breaches of the conditions imposed on your registration. You told the Committee that you will comply fully with a further period of conditional registration. However, the Committee is not convinced that you are committed to addressing these shortcomings in a meaningful and substantial way. You have been given ample opportunity by the GDC to demonstrate compliance with the conditions but you have failed to do so. The Committee considers that conditions are no longer sufficient to meet the requirements of public protection and to maintain public confidence in the profession and the GDC as its regulator.

In all the circumstances, the Committee has determined that in order to secure the change in your attitude and behaviour which it considers to be necessary to ensure your future compliance and to enable you to address your shortcomings, it is necessary and proportionate to suspend your registration for a period of four months, with a review hearing to take place prior to the end of that period. The Committee considers that this period of time is sufficient to enable you to reflect properly on the shortcomings that have been identified and to bring about the attitudinal change that is necessary.

The reviewing Committee may be assisted by a reflective piece setting out your understanding of the importance of addressing the deficiencies in your practice and your commitment to comply fully with any future conditions on your practice, designed to return you to safe practice.

This order of suspension will therefore replace the two current orders of conditional registration. The Committee now invites submissions as to whether your registration should be made subject to an immediate suspension order, pending the taking effect of the substantive direction of suspension.”

**“Decision on immediate order**

Mr Sayanvala: Having directed that your registration be suspended for a period of four months, the Committee has considered whether your registration should be made subject to an immediate suspension order in accordance with Section 30 of the Dentists Act 1984.

Mr Dent, on behalf of the General Dental Council (GDC), has submitted that such an order is necessary. You have made no objection to the imposition of an immediate order.

The Committee has considered the submissions carefully. It has accepted the advice of the Legal Adviser. During the course of that advice, the Legal Adviser explained the purpose of an immediate order and its practical application.

In all the circumstances, the Committee has determined that it is necessary for the protection of the public and is otherwise in the public interest to direct that your registration be made subject to an immediate suspension order forthwith. The Committee is satisfied that the conditions are no longer sufficient for the protection of the public or is otherwise in the public interest and that it would be inconsistent to allow you the opportunity to continue to practise with conditions on your registration during the intervening appeal period.

The effect of the foregoing determination and this immediate order is that your registration will be suspended immediately. Should you exercise your right of appeal, this immediate suspension order will remain in place until the resolution of any appeal.

That concludes this case.”

At a review hearing on 8 February 2016 the Chairman announced the determination as follows:

“Mr Sayanvala,

This is the second review of a substantive order imposed on your registration following directions made by a Professional Conduct Committee (PCC) on 24 April 2014 and on 8 May 2015 that your registration be subject to conditions for periods of 18 months (from April 2014) and 6 months (from May 2015) respectively. Both PCCs directed that your case should be reviewed before the expiry of the order. On 23 September 2015 an early review hearing was convened to consider alleged breaches of your conditions of practice order. In September 2015 the PCC in found that you had not complied with your conditions of practice order and determined that your fitness to practice remained impaired. The Committee at the early review concluded that the appropriate sanction was to replace the two conditions of practice orders with a suspension order for a period of 4 months with a review to be held prior to the expiry of the order.

This hearing was convened pursuant to Section 27C (1) of the Act to review the current suspension order, which is due to expire on 20 February 2016.

Today Miss French referred the Committee to the documentation before it. She outlined the background of this case and the progress since the last review in September 2015. She reminded the Committee that as you have been the subject of a suspension order there were no conditions for you to comply with. However, the Committee in September 2015 suggested a course of action to assist you to demonstrate to this Committee that you may be able to return to practise.

Miss French drew the Committee’s attention to the information before it showing that you have been removed from the NHS Performers List. She also referred to the letter that was sent to you regarding non-payment of your annual retention fee (ARF). Miss French submitted that these are matters that the Committee may consider when considering your commitment to the profession.

You gave evidence under oath to the Committee. You outlined your career history and the background to the initial complaints that led to the fitness to practise proceedings against you. You told the Committee that you were largely compliant with the conditions imposed by the PCC and explained that you do not agree that there were issues with compliance. You told the Committee that you felt that the previous PCC did not look at the documentation before it properly when it made the decision that you have been non-compliant.

You told the Committee that since you were suspended you have had time to reflect. You told the Committee that prior to the suspension you were doing your best and since the suspension you have had to move to South Africa in order to continue to work. You stated that you have demonstrated that you are committed to this process by flying to London to attend this hearing.

You explained that the continuing professional development requirements are different in South Africa so you chose to focus on matters that you believed were important. You

explained that the training courses available in the United Kingdom (UK) are not available in South Africa. You stated that there have been no training courses available for you to attend specific to the matters identified by the previous Committees. You told the Committee that you undertook an implant course while in South Africa and you have attended a course on CEREC. You told the Committee that the suspension has had a serious impact on you both personally and financially.

You told the Committee that all you want is for the Committee to consider the proportionality of re-imposing conditions to allow you to return to work in the UK. You stated that you have reflected on your shortcomings and you feel that, going forward, meeting with the Deanery will be helpful. You told the Committee that were it to re-impose conditions it would take you some time to get work in the UK and so you invited the Committee to impose conditions broken down into two sections, with the second set only taking effect when you return to the UK.

In response to questions you told the Committee that you have always complied with conditions and submitted the documents required, albeit not always in the timeframe set down. You explained that it is sometimes difficult for you to stick to the timeframes as you have to rely on others, including the Deanery, in order to supply all the documents required by the GDC. You explained that you have made contact with the Deanery in order to formulate your personal development plan (PDP).

You told the Committee that your record keeping has vastly improved and you have, since the last hearing, advised your colleagues of the correct standards that should be applied at your practice. This included what informed consent is and how this should be recorded. You explained that your colleagues have benefitted from you undergoing this process as you are now more aware of what should be done.

You told the Committee that you would not give any future Committee any reason to doubt your work. You explained that you understand how serious it is not to falter again. You told the Committee that before returning to work you would have to pay the ARF as a matter of urgency, second you would contact the NHS to ask to be put back on the Performer List, then you would look for work, which you believe would not take long. You explained that you are only temporarily in South Africa and you are desperate to be allowed to return to the UK to work. You stated that you would comply with your conditions. You stated that a further period of suspension would only serve as a punishment. You said that you did not believe that you would have any struggle with compliance. However, if you found yourself in difficulties you would immediately contact the GDC.

In response to questions from the Committee you said that you submitted all your audits up to date to the reviewing Committee in September. You stated that since the September hearing you have met with the Deanery. You maintained that you have always complied with your conditions and going forward you would, if given the chance, continue to comply. You stated that since you were suspended you have had time to get yourself organised and you would like to be able to return to work. You told the Committee that at your meeting with the Deanery you discussed your suspension and your CPD and you were advised to continue with your CPD. You explained that you have not met with the Deanery since as you did not have a condition to do so and you have been abroad. You told the Committee that you sent your updated PDP to the Deanery, but are unsure exactly when you did this. You explained that you have an updated PDP but you have not brought it with you for this Committee to see.

Miss French submitted that your fitness to practise remains impaired. She submitted that although you have made some efforts, you have not sufficiently addressed the specific matters identified throughout the GDC proceedings. She submitted that in the circumstances of this case the appropriate sanction would be to replace the suspension order with a period of conditional registration. She submitted that to extend the suspension order may be considered punitive in the circumstances. Miss French outlined the type of conditions that may be appropriate in your case. She further submitted that a conditions of practice order should be imposed for at least 12 months with a review.

You asked the Committee to consider conditions that are workable in order to give you the opportunity to demonstrate compliance even if you are not working with patients. You also asked the Committee to consider whether to impose a condition requiring you to submit evidence of your work outside the GDC jurisdiction for consideration.

The Committee accepted the advice of the Legal Adviser.

The Committee was of the view that the misconduct identified was remediable, but had not yet been remedied. The Committee acknowledged that you have taken some steps towards remediation since the last hearing, as evidenced by the documentation before it. However, it was concerned with the lack of evidence of sufficient directed and focussed remediation. There was no evidence that you have maintained your PDP or that you have submitted this to the Deanery.

The Committee appreciated that you have attended this hearing and provided documentation for its consideration. It was of the view that you have begun the remediation process, although this is not yet sufficient. There is no evidence of additional training specifically directed towards the areas of concern highlighted by previous Committees, rather you have attended training on unrelated matters. Further, you have maintained before this Committee that you had complied with the conditions of practice order previously and you do not fully accept the findings of the previous Committee that you had breached your conditions. The Committee considered that in all the circumstances there remains a real risk of repetition in this case.

The Committee considered that your evidence today was demonstrative of a lack of sufficient insight into the findings made by previous Committees and the requirements placed upon you.

The Committee concluded, based on the information before it, that your fitness to practise is currently impaired.

The Committee then considered what, if any, sanction to impose in this case. The Committee was aware of the range of sanctions available to it and that it must consider the sanctions in order starting with the least serious.

The Committee was aware that it should have regard to the principle of proportionality, balancing the public interest against your own interests. The public interest includes the protection of the public, the maintenance of public confidence in the profession, and declaring and upholding standards of conduct and performance within the profession.

The Committee noted its powers under section 27C(1) the Act. The Committee had the power to extend the current order for a maximum period of 12 months. Alternatively it could revoke the suspension order or replace the order with a conditions of practice order for up to 3 years.

The Committee first considered whether it would be appropriate to allow the current order to lapse at its expiry or to revoke it with immediate effect. The Committee considered that given all of the information before it, and for all the reasons outlined above, it would not be appropriate to revoke the current order or to allow it to lapse, as this would not protect the public nor would it be in the public interest.

The Committee next considered whether a period of conditional registration would be appropriate in this case. The Committee was mindful that any conditions imposed must be proportionate, measurable and workable. The Committee accepted that you have indicated that you would be willing to comply with conditions placed on your registration by this Committee.

The Committee considered whether extending the current suspension order would be proportionate and appropriate in this case. The Committee concluded that in all the circumstances of this case, and taking into account all the evidence adduced, a further period of suspension on your registration would serve no useful purpose. Further, the public would be suitably protected and the public interest upheld through the imposition of conditions of practice. The Committee also had regard to the submissions made by Miss French that the GDC are not seeking to extend the suspension order currently in place.

Having regard to the matters it has identified, the Committee concluded that a conditions of practice order will mark the importance of maintaining public confidence in the profession, and will send the public, the profession and you a clear message about the standards required of a registered dental practitioner. Further, a period of conditional registration will allow you to address the concerns identified.

The conditions as they will appear against the name SAYANVALA, Hasan on the Dentists Register are as follows:

1. He must notify the GDC within 7 days of any professional appointment he accepts and provide the contact details of his employer or any organisation for which he is contracted to provide dental services [and the Commissioning Body on whose Dental Performers List he is included or Local Health Board if in Wales, Scotland or Northern Ireland].
2. He must inform the GDC, within 7 days, of any formal disciplinary proceedings taken against him whilst working as a dentist, from the date of this determination.
3. He must inform the GDC if he applies for any other dental employment outside the UK.
4. He must work with a Postgraduate Dental Dean/Director (or a nominated deputy), to formulate a Personal Development Plan, specifically designed to address the deficiencies in the following areas of his practice:
  - Valid consent
  - Record Keeping
  - Treatment Planning
  - Diagnosis
  - Radiography

- Patient management – to include communication skills, meeting patient's expectations time management, management of clinical environment.
  - Prescribing of antibiotics
5. He must forward a copy of his Personal Development Plan and any written reflection on his PDP to the GDC within 3 months of the date on which these conditions become effective and any updated version 14 days prior to any review.
  6. He must meet with the Postgraduate Dental Dean/Director (or a nominated deputy), on a regular basis to discuss his progress towards achieving the aims set out in his Personal Development Plan. The frequency of his meetings is to be set by the Postgraduate Dental Dean/Director (or a nominated deputy) and may be either face to face, via telephone or Skype or similar means.
  7. He must provide written evidence of his meetings with the Postgraduate Dental Dean/Director (or a nominated deputy) within 14 days of each meeting.
  8. He must allow the GDC to exchange information about the standard of his professional performance and his progress towards achieving the aims set out in his Personal Development Plan with the Postgraduate Dental Dean/Director (or a nominated deputy), and any other person involved in his retraining and supervision.
  9. He must inform the GDC within 7 days of his return to the UK. The following conditions can only be fulfilled in the UK and the monitoring of his compliance of these conditions will start from the date of his return.
  10. He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services or supervisor referred to in 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, prior to commencing employment, and approved by the GDC. The reporter shall be a GDC registrant.
  12. He must allow the reporter to provide reports to the GDC at three monthly intervals and the GDC will make these reports available to any supervisor referred to in these conditions.
  13. At any time he is employed, or providing dental services, which require him to be registered with the GDC; he must place himself and remain under the supervision\*\*\* of a workplace supervisor nominated by him, and agreed by the GDC.
  14. He must provide a copy of this determination to his supervisor within 7 days of the supervisor's appointment.
  15. He must allow his workplace supervisor to provide reports to the GDC at intervals of not less than 3 months, and at least 14 days prior to any review, and the GDC will make these reports available to any Postgraduate Dean/Director or Educational Supervisor referred to in these conditions.

16. He shall carry out audits of his record keeping. The audits must be signed by his workplace supervisor.
17. He shall carry out radiography audits. The audits must be signed by his workplace supervisor.
18. He must provide a copy of all the above audits to the GDC on a 6 monthly basis and at least 14 days prior to any review or, alternatively, confirm that there have been no such cases.
19. He must inform, within 7 days, the following parties that his registration is subject to the conditions, listed at (1) to (18), above:
  - Any organisation or person employing or contracting with him to undertake dental work
  - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application)
  - Any prospective employer (at the time of application)
  - The Commissioning Body on whose Dental Performers List he is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).
20. He must permit the GDC to disclose the above conditions to any person requesting information about his registration status.

The period of this order is 12 months. The Committee is of the view that 12 months would allow you time to demonstrate that you are a safe practitioner and reduce the risk to the public.

During the period of this order your record in the GDC register will show that you are the subject of a conditions of practice order and anyone who enquires about your registration will be told about the order.

Before the end of the period of the order, a Committee will hold a review hearing to see how well you have complied with the order. At the review hearing the Committee may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order with another order.

**Immediate Order:**

Having directed that your registration be subject to conditions, the Committee had to consider, in accordance with the provisions of Section 30 of the Act, whether to impose an order for immediate conditions pending the appeal period or until any appeal against the outcome is heard.

The Committee has considered the submissions made by Miss French that an immediate order should be made on the grounds that it is necessary for the protection of the public and otherwise in the public interest. Further, that an immediate order is in your own interests to allow you to return to work. She applied for this order to cover any possible appeal period and submitted that this would be entirely consistent with the Committee's findings.

You informed the panel that you had no objection to the imposition of an immediate order.

The Committee accepted the advice of the Legal Adviser.

The Committee was satisfied that an immediate order of conditions was necessary for the protection of the public, is otherwise in the public interest and, in the circumstances of this case, is in your own interests. The Committee concluded that given its findings and reasons for the substantive conditions of practice order, to order otherwise would be inconsistent.

The effect of the foregoing determination and this order is that your registration will be made subject to the same conditions as set out in the substantive decision with immediate effect.

Unless you exercise your right of appeal, the substantive order of conditions for a period of 12 months will replace the immediate order and come into effect 28 days from today. The Committee was aware that this would effectively restart the timeframe for the production of documentation required under the substantive conditions of practice order.

Should you exercise your right of appeal, this immediate order of conditions will remain in place until the resolution of any appeal.

That concludes the case for today.”

*\*\*\* The registrant's day to day work must be supervised by a person who is registered with the GDC in their category of the register or above. The supervisor need not work at the same practice as the registrant, but must make himself/herself available to provide advice or assistance should they be required. The registrant's work must be reviewed at least once fortnightly by the supervisor via one to one meetings and case-based discussion. These fortnightly meetings must be focussed on all areas of concern identified by the conditions.*

At a review hearing on 17 February 2017 the Chairman announced the determination as follows:

“Mr Sayanvala,

You were present at this hearing and you represented yourself. Ms Vanya Headley appeared on behalf of the General Dental Council (GDC).

#### Purpose of today's hearing

The purpose of today's hearing was to review a substantive order of conditions imposed on your registration for a period of 12 months by the Professional Conduct Committee (PCC) on February 2016.

#### Existing order

This is the third review of a substantive order imposed on your registration following directions made by a Professional Conduct Committee (PCC) on 24 April 2014 and on 8 May 2015 that your registration be subject to conditions for periods of 18 months (from April 2014) and 6 months (from May 2015) respectively. Both PCCs directed that your case should be reviewed before the expiry of the order. On 23 September 2015 an early review hearing was convened to consider alleged breaches of your conditions of practice order. In September 2015, the PCC found that you had not complied with your conditions of practice order and determined that your fitness to practice remained impaired. The Committee at the early review concluded that the appropriate sanction was to replace the two conditions of practice orders with a suspension order for a period of 4 months with a review to be held prior to the expiry of the order. The matter was reviewed again on 8 February 2016 where it was concluded that there was no evidence of additional training specifically directed towards the areas of concern highlighted by previous Committees, rather you had attended training on unrelated matters. That Committee determined that a further period of suspension on

your registration would serve no useful purpose and imposed a further period of conditional registration would allow you to address the concerns identified.

#### Today's hearing

This Committee carefully considered all the information before it. It took into account the submissions from Ms Headley on behalf of the GDC and those made by you.

The Committee accepted the advice of the Legal Adviser and took into account the GDC's Guidance for the Practice Committees, including Indicative Sanctions Guidance (October 2015) ('the Guidance').

#### Compliance with current order

Ms Headley did not submit that you had failed to comply with the conditions imposed on your registration. Ms Headley stated that you had previously provided an initial PDP, and an updated version today, albeit limited in detail. She submitted that you have yet to provide confirmation of your recent meeting with your Post Graduate Dean last week. She submitted that although there has not been a breach of the conditions imposed, you have not adhered to the strict time limits given, such as failure to submit in an updated Professional Development Plan (PDP) to the GDC two weeks before today's hearing.

You submitted to the Committee you have complied with the conditions imposed on your registration, by producing relevant Continuing Professional Development (CPD) certificates and reflective statements with the assistance of your Post Graduate Dean. You submitted that you have not been allowed to communicate with the deanery via Skype and have had to make two physical visits. You recognise that there have been some time issues, but this was due to the fact that you have to make long and expensive trips to the UK from South Africa. You stated that you had recently flown to the UK last week in order to meet with the deanery. You stated you have made considerable efforts to address your shortcomings at great financial expense.

The Committee notes that the majority of these conditions are only enforceable when you are in the UK. With regards to the late submission of the PDP, the Committee considers that this was to a certain extent due to circumstances beyond your control, and was therefore satisfied that you have not breached the conditions imposed on your registration.

#### Decision on impairment

The Committee next considered whether your fitness to practise is currently impaired. In doing so, it has exercised its independent judgement. Throughout its deliberations, it has borne in mind that its primary duty is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.

You submitted that you have been under conditions for about three and a half years and have reflected on what you had done wrong. You submitted that you have addressed your deficiencies, by previously producing audits, reflection statements and meeting with the deanery. You state your standard of practice has improved in areas such as radiography and record keeping and that you are desperate to return to unrestricted practice in the UK. You believe that you are not currently impaired.

Ms Headley stated on behalf of the GDC, that you are currently impaired. She stated that your current PDP has not addressed all the areas of concern identified by the previous PCC, such as audits on your clinical skills, and evidence of your current clinical knowledge. She

submitted although you are not practicing in the United Kingdom, you have failed to provide evidence of embedded remediation to the UK standards in your current practice.

The Committee noted that the clinical deficiencies identified by the previous PCC were capable of remediation. It was of the view that you have undertaken some remediation and acknowledges the positive steps you have taken thus far to address your deficiencies. However, it considered that your remediation still has a way to go. It considers that you have not fully addressed all the areas of concern identified by the previous Committee. In particular it considers that your CPD is lacking in detail. The hours of CPD that you have undertaken since your first meeting with the deanery in May 2016 is limited. It noted that you had visited the deanery last week, however, you have not furnished this Committee with any update from the Post Graduate Dean regarding his assessment of any progress you may have made.

The Committee is satisfied that you have not demonstrated adequate insight into your deficiencies. You continue to believe that you have more or less addressed all of the concerns identified by the previous Committee.

It concluded that more time is required to allow your learning to be sufficiently embedded into your current practice. The Committee therefore determined that your fitness to practise remains currently impaired because of your misconduct.

#### Decision on sanction

The Committee then considered what sanction, if any, would be appropriate in light of the finding of current impairment of your fitness to practise that it made. The Committee recognised that the purpose of a sanction is not punitive, although it may have that effect, but is instead imposed in order to protect patients and safeguard the wider public interest. The Committee applied the principle of proportionality, balancing the public interest with your own interests.

You invited the Committee to revoke the conditions on your registration and allow you to practice in the UK unrestricted. Ms Headley submitted that should the Committee find that your fitness is still currently impaired, then the Committee may be minded to continue to impose a further period of conditional registration in order to allow you time to properly embed changes into your practice.

The Committee noted its powers under Section 27C of the Act.

Firstly, the Committee considered whether it would be appropriate to allow the current order to lapse at its expiry or to revoke it with immediate effect. The Committee considered that given all of the information before it, it would be inappropriate to revoke the current order or to allow it to lapse. It would not protect the public nor would it be in the public interest to allow you to practice in the UK unrestricted.

The Committee next considered whether a conditions of practice order remained the appropriate and proportionate sanction. It determined that conditional registration remained the appropriate and proportionate sanction. The Committee was of the view that a higher sanction, namely suspension, would be disproportionate in circumstances given the positive steps you have already undertaken in order to address your failings.

The Committee concluded the appropriate and proportionate outcome in this case was to extend the existing conditions on your registration. It concluded that the current conditions

would protect the public and secure the necessary degree of protection for patients and be in the wider public interest.

The Committee accepted that the timing of forwarding your PDP to the GDC would be partly beyond your control, however it considers that this process is on-going and that you should be given further opportunity to carry on with this.

The Committee next considered what duration to extend the conditions for and determined that the appropriate period of further conditional registration was that of 12 months. It was of the view that this would allow a sufficient amount of time for you to continue to engage in appropriately directed and continuous remediation. The Committee further determined that a review was necessary before the expiry of the order.

Accordingly, the Committee directs that your registration be subject to the following conditions for a further period of 12 months. The conditions will appear against the name of Mr Sayanvala on the Dentists Register in the following terms:

The conditions as they will appear against the name SAYANVALA, Hasan on the Dentists Register are as follows:

1. He must notify the GDC within 7 days of any professional appointment he accepts and provide the contact details of his employer or any organisation for which he is contracted to provide dental services [and the Commissioning Body on whose Dental Performers List he is included or Local Health Board if in Wales, Scotland or Northern Ireland].
2. He must inform the GDC, within 7 days, of any formal disciplinary proceedings taken against him whilst working as a dentist, from the date of this determination.
3. He must inform the GDC if he applies for any other dental employment outside the UK.
4. He must work with a Postgraduate Dental Dean/Director (or a nominated deputy), to formulate a Personal Development Plan, specifically designed to address the deficiencies in the following areas of his practice:
  - Valid consent
  - Record Keeping
  - Treatment Planning
  - Diagnosis
  - Radiography
  - Patient management – to include communication skills, meeting patient's expectations time management, management of clinical environment.
  - Prescribing of antibiotics
5. He must forward a copy of his Personal Development Plan and any written reflection on his PDP to the GDC within 3 months of the date on which these conditions become effective and any updated version 14 days prior to any review.
6. He must meet with the Postgraduate Dental Dean/Director (or a nominated deputy), on a regular basis to discuss his progress towards achieving the aims

set out in his Personal Development Plan. The frequency of his meetings is to be set by the Postgraduate Dental Dean/Director (or a nominated deputy) and may be either face to face, via telephone or Skype or similar means.

7. He must provide written evidence of his meetings with the Postgraduate Dental Dean/Director (or a nominated deputy) within 14 days of each meeting.
8. He must allow the GDC to exchange information about the standard of his professional performance and his progress towards achieving the aims set out in his Personal Development Plan with the Postgraduate Dental Dean/Director (or a nominated deputy), and any other person involved in his retraining and supervision.
9. He must inform the GDC within 7 days of his return to the UK. The following conditions can only be fulfilled in the UK and the monitoring of his compliance of these conditions will start from the date of his return.
10. He must allow the GDC to exchange information with his employer or any organisation for which he is contracted to provide dental services or supervisor referred to in 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, prior to commencing employment, and approved by the GDC. The reporter shall be a GDC registrant.
12. He must allow the reporter to provide reports to the GDC at three monthly intervals and the GDC will make these reports available to any supervisor referred to in these conditions.
13. At any time he is employed, or providing dental services, which require him to be registered with the GDC; he must place himself and remain under the supervision\*\*\* of a workplace supervisor nominated by him, and agreed by the GDC.
14. He must provide a copy of this determination to his supervisor within 7 days of the supervisor's appointment.
15. He must allow his workplace supervisor to provide reports to the GDC at intervals of not less than 3 months, and at least 14 days prior to any review, and the GDC will make these reports available to any Postgraduate Dean/Director or Educational Supervisor referred to in these conditions.
16. He shall carry out audits of his record keeping. The audits must be signed by his workplace supervisor.
17. He shall carry out radiography audits. The audits must be signed by his workplace supervisor.
18. He must provide a copy of all the above audits to the GDC on a 6 monthly basis and at least 14 days prior to any review or, alternatively, confirm that there have been no such cases.
19. He must inform, within 7 days, the following parties that his registration is subject to the conditions, listed at (1) to (18), above:

- Any organisation or person employing or contracting with him to undertake dental work
  - Any locum agency or out-of-hours service he is registered with or applies to be registered with (at the time of application)
  - Any prospective employer (at the time of application)
  - The Commissioning Body on whose Dental Performers List he is included or seeking inclusion, or Local Health Board if in Wales, Scotland or Northern Ireland (at the time of application).
20. He must permit the GDC to disclose the above conditions to any person requesting information about his registration status.

During the period of this order your record in the GDC register will show that you are the subject of a conditions of practice order and anyone who enquires about your registration will be told about the order.

Before the end of the period of the order, a Committee will hold a review hearing to see how you have complied with the order. At the review hearing the Committee may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order with another order.

That concludes the case for today.”

\*\*\* The registrant's day to day work must be supervised by a person who is registered with the GDC in their category of the register or above. The supervisor need not work at the same practice as the registrant, but must make himself/herself available to provide advice or assistance should they be required. The registrant's work must be reviewed at least once fortnightly by the supervisor via one to one meetings and case-based discussion. These fortnightly meetings must be focussed on all areas of concern identified by the conditions.

At a review hearing on 18 August 2017 the Chairman announced the determination as follows:

“Mr Sayanvala,

### **BACKGROUND**

This is the fourth review of this case originally considered by the PCC on 24 April 2014 and on 8 May 2015. Both PCCs directed that a review be conducted before the expiry of the orders. On 23 September 2015 an early review hearing was convened to consider alleged breaches of the orders. At that hearing the PCC found that you were not compliant and that your fitness to practise remained impaired. It replaced the two conditions of practice orders with a suspension order for a period of 4 months.

On 8 February 2016, a second review took place. That Committee replaced the order of suspension with one of conditions aimed at the concerns identified at the original hearings.

On 17 February 2017 the PCC carried out a further review. That Committee took the view that your Continuing Professional Development (CPD) was lacking in detail and that you had not demonstrated adequate insight into your deficiencies. It concluded that more time was required for your learning to be embedded into your practice. It determined that your fitness

to practise remained impaired and extended the conditions in place against your registration for a further 12 months.

### **THIS REVIEW**

This Committee has conducted an early review of the order of 17 February. The hearing is held at the request of the GDC on the basis that you have not been complying with the current conditions. The Committee heard from Mr Middleton on behalf of the General Dental Council (GDC) and from you. It accepted the advice of the Legal Adviser.

Mr Middleton submitted that you had failed to engage with the GDC in relation to the current conditions and that you had provided no explanation as to why. You have not provided an updated Personal Development Plan (PDP) nor have you produced a written reflection as required by the conditions. He informed the Committee that you are also not compliant with the CPD requirements relating to the 2012 to 2016 cycle, which would ordinarily result in your removal from the register were you not subject to fitness to practise proceedings.

He requested that the Committee replace the current order of conditions with one of suspension.

You told the Committee that you have undertaken some remediation since the last review. You also stated that you have experienced personal difficulties over the past few months, including a family bereavement late last year, that have impacted upon your ability to comply with the order. You stated that you had not been coping over the least six months and had been focussing on other matters. You candidly admitted that as a result of this you had not complied with the conditions during this period. Nevertheless you asked the Committee to continue the imposition of conditions upon your registration.

### **IMPAIRMENT**

The Committee next considered whether your fitness to practise is currently impaired. In doing so, it has exercised its independent judgement. Throughout its deliberations, it has borne in mind that its primary duty is to address the public interest, which includes the protection of patients, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour.

You have not complied with the order of conditions imposed in February and have therefore not remedied the matters of concern. You failed to fully engage with the GDC after the last hearing, including not responding to correspondence and not providing details of your current address.

The Committee has therefore determined that your fitness to practise remains currently impaired.

### **SANCTION**

The Committee next considered what sanction, if any, would be appropriate in light of your continuing impairment. The Committee took into account the Indicative Sanctions Guidance for the Practice Committees (October 2016). It applied the principle of proportionality, balancing the public interest with your own interests.

Firstly, the Committee considered whether it would be appropriate to allow the current order to lapse at its expiry or to revoke it with immediate effect. The Committee considered that given all of the information before it, it would be inappropriate to revoke the current order or

to allow it to lapse. It would not protect the public nor would it be in the public interest to allow you to practise in the UK unrestricted.

The Committee next considered whether a conditions of practice order remained the appropriate and proportionate sanction. You have not engaged with the GDC nor have you complied with the conditions imposed upon you in February. You have experienced stress and personal difficulty recently that you say prevented you from engaging as you should have. The Committee recognises that you have a degree of insight into the matters in this case, however it is not satisfied that you are able to engage and comply with conditions at this time.

In the light of these factors, the Committee has determined that conditional registration is no longer appropriate.

The Committee next considered whether to replace the order of conditional registration with one of suspension. It determined that under the particular circumstances of this case, a period of suspension is the appropriate and proportionate outcome. Suspension will serve to safeguard patients, the public interest and your own interests.

The Committee imposes the order for a period of four months, with a review shortly before the end of the period. This will allow you time to deal with your personal circumstances and the stress that you have been under recently. You stated that you had not been coping in the recent past due to the various pressures upon you. The Committee therefore takes the view that a period of suspension will benefit you.

At the review hearing, the Committee might be assisted by your written reflections on the failings that led to your misconduct and current impairment and the steps you have and will take to remedy them. Any evidence of CPD aimed at addressing your past failings and any audits undertaken at your current practice in South Africa may also assist.

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## **IMMEDIATE ORDER**

The Committee considered the submissions made on behalf of the GDC. You chose to make no submissions on the matter. It accepted the advice of the Legal Adviser.

The Committee was invited by the GDC case presenter to impose an immediate order of suspension on your registration for the protection of the public and in the wider public interest.

The Committee determined that your remediation is not yet complete. It takes the view that a failure to impose such an order would be inconsistent with its decision. It has therefore determined that an immediate order is necessary in this case for the same reasons as given for the imposition of the substantive order and that it is in the public interest.

The effect of the foregoing determination and this order is that your registration will be made subject to an order of suspension with immediate effect. If you choose to appeal the substantive decision, this immediate order of suspension will remain in place until the resolution of that appeal. If no appeal is pursued, the immediate order will remain in place for 28 days, following which the substantive order will take effect.”

On 4 January 2018, at the review hearing the Chairman announced the determination as follows:

“Mr Sayanvala,

This is a resumed hearing of the Professional Conduct Committee (PCC). You are participating in these proceedings by telephone and are representing yourself. Mr Kasir Ahmed, who is present at the hearing in person, is the representative for the General Dental Council (GDC).

### **BACKGROUND**

#### **The PCC hearing in April 2014**

Your case was first considered by the PCC at a hearing from 22 to 24 April 2014. That Committee found proved allegations relating to your treatment of one patient, Patient 1, between 7 June 2011 and 8 October 2012 at the Longlands Dental Practice. At that hearing, you admitted, and the Committee found, that the standard of care you provided to Patient 1 fell below that reasonably expected of a dental practitioner in a number of respects. This included your failure to:

- carry out a periodontal assessment;
- take an updated medical history;
- justify, take and report on radiographs as clinically necessary;
- provide adequate oral health advice;
- diagnose a number of potentially serious dental conditions;
- provide an adequate standard of record keeping.

It was also found that you varied a treatment plan for Patient 1 without obtaining the patient's informed consent and that you fitted a temporary three tooth fixed-fixed bridge which was of poor quality.

The Committee in April 2014 found that there were wide ranging failings in your clinical care of Patient 1, which persisted over a significant period of time. That Committee considered it clear from the evidence before it, that your care and treatment of Patient 1 represented a serious departure from many of the professional standards set by the GDC and amounted to misconduct. That Committee determined that your fitness to practise was impaired by reason of your misconduct. It imposed conditions on your registration for a period of 18 months with an immediate order. It also directed a review of your case prior to the expiry of the 18-month period.

#### **The PCC hearing in May 2015**

At a hearing on 8 May 2015, the PCC considered and found proved separate allegations against you in relation to your treatment of a second patient, between 25 March 2010 and 4 June 2010. For the purposes of this determination, this patient is referred to as Patient 2.

It was found by the Committee in May 2015 that you did not provide an adequate standard of care to Patient 2, including by:

- failing to carry out a full assessment of the presenting dental condition;
- failing to carry out a full diagnostic assessment;
- failing to take radiographs of diagnostic quality;

- failing to discuss treatment options;
- failing to diagnose the cause of the patient's pain;
- prescribing antibiotics when they were not clinically indicated;
- prescribing antibiotics in excess of the recommended dose and duration;
- failing to provide treatment that was clinically indicated;
- failing to take a post-operative radiograph following root canal treatment;
- failing to provide an adequate standard of record keeping.

The Committee in May 2015 also had before it, information regarding the outcome of your PCC hearing in April 2014.

The PCC in May 2015 found that your failings in respect of Patient 2 were repeated and sustained over a period of months. That Committee decided that the identified "*deficiencies in your conduct and practice*" amounted to misconduct. It determined that your fitness to practise was impaired by reason of that misconduct and imposed a separate order of conditions on your registration for a period of 6 months with an immediate order. That Committee also directed a review of your case prior to the expiry of the 6-month period.

#### **The resumed PCC hearing in September 2015**

On 23 September 2015, an early resumed hearing of the PCC was held. That first resumed hearing was convened to consider alleged breaches of the respective conditions of practice orders imposed on your registration in April 2014 and May 2015.

The PCC in September 2015 heard that you had sold your dental practice in the UK and had, at that time, been attending to family matters in South Africa. That Committee had regard to the difficulties you stated you were experiencing in trying to comply with your conditions. Nevertheless, it considered that it was incumbent upon you to have taken the initiative in resolving the situation. The Committee in September 2015 found that you had not complied with the conditions on your registration. It considered that there was no evidence to satisfy it that you had addressed adequately the concerns identified by the Committees in April 2014 and May 2015.

The Committee in September 2015 stated that it had "*grave concerns*" as to whether you understood the importance of adhering to the requirements of your conditional registration. It determined that your fitness to practise remained impaired and directed that the two separate conditions of practice orders on your registration be replaced with an order of suspension for a period of four months. It also imposed an immediate order of suspension and directed that a further resumed hearing take place prior to the expiry of the suspension order.

#### **The resumed PCC hearing in February 2016**

At a second resumed hearing held on 8 February 2016, a further review of your case was undertaken. That Committee acknowledged that you had taken some steps towards remediation since the last resumed hearing. It was of the view that you had begun the remediation process, but considered that the action you had taken "*was not yet sufficient.*"

The Committee in February 2016 found that your fitness to practise remained impaired. It determined to replace the order of suspension with one of conditions, aimed at the concerns identified at the original hearings in April 2014 and May 2015. A conditions of practice order

was imposed on your registration for a period of 12 months, with an immediate order, and a further review of your case was directed, prior to the end of the 12-month period.

### **The resumed PCC hearing in February 2017**

On 17 February 2017, the PCC carried out a further review of your case at a third resumed hearing. That Committee noted that you had undertaken some remediation and it acknowledged the positive steps you had taken to address your deficiencies. However, that Committee took the view that your Continuing Professional Development (CPD) was lacking in detail and that you had not demonstrated adequate insight into your deficiencies. It concluded that more time was required for your learning to be embedded into your practice. It determined that your fitness to practise remained impaired and extended the order of conditions in place on your registration for a period of 12 months, with a further review before the end of that period.

### **The resumed PCC hearing in August 2017**

At a fourth resumed hearing on 18 August 2017, the PCC conducted an early review of the conditions of practice order imposed on your registration on 17 February 2017. This early review was requested by the GDC on the basis that you had not been complying with your conditional registration.

It was found by the PCC in August 2017 that you had failed to fully engage with the GDC following the previous resumed hearing, including by not responding to correspondence and by not providing details of your current address at that time. Whilst the PCC in August 2017 took into account the mitigation you advanced at that time, it concluded that you had not complied with the order of conditions in place on your registration and that you had not remedied the matters of concern. Accordingly, it determined that your fitness to practise continued to be impaired. It further determined that conditional registration was no longer appropriate and replaced the conditions of practice order with one of suspension. The suspension order was imposed for a period of four months. An immediate order was also imposed and a further review of your case was directed.

You were informed by the Committee in August 2017 that:

*“At the review hearing, the Committee might be assisted by your written reflections on the failings that led to your misconduct and current impairment and the steps you have and will take to remedy them. Any evidence of CPD aimed at addressing your past failings and any audits undertaken at your current practice in South Africa may also assist.”*

### **TODAY’S HEARING**

This is the fifth resumed hearing in relation to the concerns raised at the PCC hearings in April 2014 and May 2015. The task of the Committee today has been to consider whether your fitness to practise remains impaired and, if so, what action, if any, should be taken in relation to your registration.

The Committee has comprehensively reviewed your case. In doing so, it has considered all the evidence provided to it. It has taken account of the submissions made by Mr Ahmed on behalf of the GDC and the comments you made during the course of the hearing. The Committee has accepted the advice of the Legal Adviser.

Mr Ahmed told the Committee that you have, to some extent, engaged with the GDC since the last resumed hearing of your case. He also stated that there has been no evidence to

suggest that you have failed to comply with the order of suspension imposed on your registration in August 2017. However, Mr Ahmed told the Committee that you have failed to provide the Council with any evidence in accordance with the recommendations of the last Committee.

Mr Ahmed submitted that it was the Council's position that your fitness to practise is currently impaired by reason of your misconduct. He invited the Committee to consider the nature of the findings and concerns of the previous Committees. He also asked this Committee to take into account that your registration has been subject to either conditions or suspension since April 2014, during which time, there have been two early review hearings on account of breaches. Mr Ahmed submitted that the last order of suspension imposed on your registration in August 2017 was an opportunity for you to demonstrate your commitment to addressing the concerns raised. However, in the absence of any evidence to show that you have addressed sufficiently your past failings, Mr Ahmed submitted that there remains a risk to the public. In the circumstances, he invited the Committee to consider extending the current order of suspension by a period of six months.

You told the Committee that you had no submissions to make in respect of the matters under consideration today. However, you were questioned by the Committee on whether you had understood the recommendations of the previous Committee and, if so, why you had not provided any supporting evidence. In response, you stated that you had been preoccupied with your practice in South Africa since the last hearing and therefore had not managed to do anything in respect of the ongoing matters before the GDC.

### **Decision on impairment**

In reaching its decision on whether your fitness to practise remains impaired currently, the Committee exercised its own judgement. It had regard to the over-arching objective of the GDC, which involves: 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 by the members of the dental profession.

The Committee took into account that wide ranging failings were identified in your clinical practice in April 2014 and May 2015. Since those initial hearings, successive Committees have found that your attempts at remedying the failings have not been sufficient. The anticipation has been that following the further suspension of your registration in August 2017, you would take further steps to address the concerns that have continued to remain outstanding in this case. You stated in an email to the GDC, dated 12 September 2017, that *"I have taken note in your letter that a committee will be assisted by a reflective piece from myself."* However, you have chosen not to provide any reflection or evidence of remediation on this occasion and, in the Committee's view, have not provided a valid reason for failing to do so. The Committee noted that you are currently practising dentistry in South Africa which, it considered, should have enabled you to at least provide some, if not all, of the information recommended by the Committee in August 2017.

Given the absence of any evidence of further remediation or any evidence of your current level of insight, the Committee concluded that there has been no material change in this case since the last hearing. There is nothing before this Committee to suggest that you have sufficiently addressed the extensive failings identified in your clinical practice and therefore the risk of repetition must remain. The Committee therefore determined that a finding of impairment is necessary for the continued protection of the public. It also considered the

wider public interest and decided that public confidence in the dental profession and the regulatory process would be undermined, if a finding of impairment were not made in the circumstances of this case.

Accordingly, the Committee has determined that your fitness to practise remains impaired by reason of your misconduct.

### **Decision on Sanction**

The Committee considered what action, if any, to take in respect of your registration. It had regard to its powers under Section 27C(1) of the *Dentists Act 1984 (as amended)*, which sets out the options available to it. The Committee took into account that the purpose of any sanction is not to be punitive, although it may have that effect, but to protect patients and the wider public interest.

The Committee had regard to the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016)*'. It applied the principle of proportionality, balancing the public interest with your own interests. It considered the available options in ascending order.

In view of the Committee's concerns about the ongoing risk of you repeating your past misconduct, it determined that it would be inappropriate to terminate the current order of suspension or to allow it to lapse. Such courses of action would not afford the public the necessary level of protection required, nor would they satisfy the wider public interest.

The Committee considered whether to replace the suspension order with one of conditions. In doing so, it agreed that your clinical failings are capable of being remedied. However, it has received no evidence of any recent steps you have taken to address the identified deficiencies. Further, the Committee had regard to the history of your case, which has included instances when you have failed to comply with conditions imposed on your registration. The Committee has received no information from you to indicate that you would be willing to comply with a conditions of practice order on this occasion or that you have any intention of returning to dental practice in the UK. Taking all of these factors into account, the Committee concluded that conditions would not be workable, appropriate or proportionate in the circumstances.

The Committee has therefore determined that the only way to continue to protect the public, to maintain public confidence in the dental profession and to uphold proper professional standards, is to extend the order of suspension on your registration. The Committee has decided to extend the order by a period of 12 months. In deciding on this period, the Committee took into account the nature and extent of the failings identified by the initial Committees in April 2014 and May 2015, which you are still yet to fully address almost four years later. The Committee took into account the lack of any meaningful progress on your part since August 2017, which you attributed to your work commitments in South Africa. The Committee considered that a longer period of suspension on this occasion would assist you in being able to focus on the remediation required in this case, whilst ensuring that the public and wider public interest remain protected.

A Committee will review your case at a resumed hearing to be held shortly before the end of the extended period of suspension. That Committee will consider whether it should take any further action in relation to your registration. You will be informed of the date and time of that resumed hearing.

At the resumed hearing, the reviewing Committee would be assisted by your written reflections on the failings that led to your misconduct and current impairment and the steps you have and will take to remedy them. Any evidence of CPD aimed at addressing your past failings and in compliance with current GDC regulations, as well as any audits undertaken at your current practice in South Africa may also assist.

Unless you exercise your right of appeal, your current suspension order will be extended by a period of 12 months, starting 28 days from the date when notice of this Committee's direction is deemed to have been served upon you. In the event that you do lodge an appeal against this decision, the current suspension order will continue to remain in force until the appeal has been decided.

That concludes this hearing today."

At a review hearing on 4 January 2019 the Chairman announced the determination as follows:

"Mr Sayanvala,

This is a resumed hearing of the Professional Conduct Committee (PCC) following a direction made by the PCC in 4 January 2018. You are participating in these proceedings by telephone and you are representing yourself. Mr Kasir Ahmed, who is present at the hearing in person, represents the General Dental Council (GDC).

#### **Background matters**

Your case was first considered by the PCC at a hearing in April 2014. That PCC found proved allegations relating to your treatment of a single patient, Patient 1, between 7 June 2011 and 8 October 2012 at the Longlands Dental Practice. At that hearing the PCC concluded that the standard of care you provided to Patient 1 fell below that reasonably expected of a dental practitioner in a number of respects, including your failure to carry out a periodontal assessment and diagnose a number of potentially serious dental conditions.

The PCC concluded that the facts found proved amounted to misconduct and that your fitness to practise was impaired by reason of that misconduct. It directed that your registration be subject to an order of conditions for a period of 18 months with an immediate order. It also directed a review of your case prior to the expiry of the order.

In May 2015 the PCC considered separate allegations against you in relation to your treatment of another patient, Patient 2, between 25 March 2010 and 4 June 2010. That PCC found that you did not provide an adequate standard of care to Patient 2 in a number of respects, including a failure to carry out a full assessment of the presenting dental condition, a failure to diagnose the cause of the patient's pain, prescribing antibiotics when they were not clinically indicated and a failure to provide an adequate standard of record keeping.

The PCC in May 2015 concluded that the findings against you amounted to misconduct. It determined that your fitness to practise was impaired by reason of that misconduct and imposed a separate order of conditions on your registration for a period of 6 months with an immediate order. The PCC also directed a review of your case prior to the expiry of that order.

On 23 September 2015, an early resumed hearing of the PCC was held to consider alleged breaches of the conditions of practice orders imposed on your registration by the PCCs in April 2014 and May 2015 respectively. It heard that you had sold your dental practice in the

UK and had, at that time, been attending to family matters in South Africa. The PCC bore in mind the difficulties you stated you were experiencing in trying to comply with your conditions. Nevertheless, the PCC considered that it was incumbent upon you to have taken the initiative in resolving the situation. It found that you had not complied with the conditions on your registration. The PCC also considered that there was no evidence to satisfy it that you had addressed adequately the concerns identified by the PCCs in April 2014 and May 2015. It determined that your fitness to practise remained impaired and directed that the two separate conditions of practice orders on your registration be replaced with an order of suspension for a period of four months. The PCC also imposed an immediate order of suspension and directed that a further resumed hearing take place prior to the expiry of the suspension order.

The PCC reviewed your case on 8 February 2016. It acknowledged that you had taken some steps towards remediation since the last resumed hearing, but it considered that the action you had taken “was not yet sufficient.” It found that your fitness to practise remained impaired. The PCC determined to replace the order of suspension with one of conditions, aimed at the concerns identified at the original hearings in April 2014 and May 2015. In reaching that decision, the PCC noted your indication that you would be willing to comply with conditions imposed on your registration and its view that a further period of suspension would serve no useful purpose. It directed that your registration be subject to an order of conditions for a period of 12 months, with an immediate order, and a further review of your case was directed, prior to the end of the 12-month period.

On 17 February 2017, the PCC carried out a further review of your case at a resumed hearing. That PCC noted that you had undertaken some remediation and it acknowledged the positive steps you had taken to address your deficiencies. However, it considered that your Continuing Professional Development (CPD) was lacking in detail and that you had not demonstrated adequate insight into your deficiencies. It concluded that more time was required for your learning to be embedded into your practice. The PCC determined that your fitness to practise remained impaired and extended the order of conditions in place on your registration for a period of 12 months, with a further review before the end of that period.

On 18 August 2017 the PCC conducted an early review of the order of conditions imposed on your registration on 17 February 2017 at the request by the GDC on the basis that you had not been complying with your conditional registration. The PCC found that you had failed to fully engage with the GDC following the previous resumed hearing, including by not responding to correspondence and by not providing details of your current address at that time. It concluded that you had not complied with the order of conditions in place on your registration and that you had not remedied the matters of concern. The PCC determined that your fitness to practise remained impaired. It concluded that conditional registration was no longer appropriate and directed that the current order of conditions be replaced with one of suspension. The suspension order was imposed for a period of four months. An immediate order was also imposed and a further review of your case was directed.

The PCC reviewed the order on 4 January 2018. The PCC took into account the wide ranging failings that were identified in your clinical practice in April 2014 and May 2015 and the fact that successive PCCs found that your attempts at rectifying those failings had not been sufficient. The PCC noted that you had not provided any reflection or evidence of remediation. It also noted that you were currently practising dentistry in South Africa, which, it considered, should have enabled you to provide some of the information recommended by the PCC in April 2017. Given the absence of any evidence of remediation or any evidence

of your current level of insight, the PCC concluded the risk of repetition remained. The PCC determined your fitness to practise remained impaired. It directed that the suspension order be extended for a period of 12 months, with a review hearing to take place before the expiry of the order. In deciding on this period, the PCC bore in mind the lack of any meaningful progress on your part since August 2017. It indicated that a reviewing Committee would be assisted by your written reflections on the failings that led to your misconduct and current impairment and the steps you had taken to remedy them. It also considered that it may be assisted by any evidence of CPD aimed at addressing your past failings, as well as any audits undertaken at your current practice.

### **Today's hearing**

This is the sixth resumed hearing in relation to the concerns raised at PCC hearings in April 2014 and May 2015.

This Committee has comprehensively reviewed your case. In doing so, it has considered all the evidence contained in the GDC's bundles of documents, including a copy of your undated reflective piece and copies of your CPD certificates. It has listened to the submissions made by Mr Ahmed on behalf of the GDC as well as the comments you have made before the Committee. The Committee has accepted the advice of the Legal Adviser.

Mr Ahmed said there was no evidence that you have breached the current order of suspension. He submitted that your fitness to practise remains impaired by reason of your misconduct. He referred to the serious nature of the findings in relation to the two substantive cases before the previous Committees and the limited evidence of remediation provided by you in relation to each of them. Further, the GDC's position is that there is no independent verifiable evidence to show that the concerns have been rectified and embedded into your professional practice. Mr Ahmed made the point that the updated reflective piece appeared to be a re-worded "cut and paste" version of a previous piece submitted to the GDC and that some of the copies of CPD certificates submitted by you record that the verifiable learning time was as short as 25 seconds. In the absence of any evidence to show that you have addressed sufficiently your past failings, Mr Ahmed submitted that there remains a risk to the public. Mr Ahmed invited the Committee to consider extending the current order of suspension by a period of 12 months.

You told the Committee that you had no submissions to make in respect of the issue of current impairment. You confirmed that you are still practising as a dentist full time in South Africa. You indicated that you are considering returning to the UK so that you can work as a dentist and therefore you wish the current order of suspension to be lifted and your registration to be unrestricted. You explained that you cannot obtain dental indemnity cover in the UK whilst you are subject to conditional registration and therefore you are unable to secure work as a dentist in the UK. You emphasised the good quality of your current practice in South Africa and read to the Committee three Google reviews.

### **Decision on impairment**

In reaching its decision on whether your fitness to practise remains impaired, the Committee has exercised its own judgement. It has had regard to the over-arching objective of the GDC, which involves: 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 by the members of the dental profession.

This Committee, like previous PCCs, has had regard to the wide ranging failings in relation to your clinical practice in respect of two patients. These matters were considered by the PCC at hearings in April 2014 and May 2015. Since those initial hearings, successive Committees have found that your attempts at remedying the failings have not been sufficient. The information before this Committee comprises an updated reflective piece which, in the Committee's opinion, is lacking in detail and is woefully inadequate. While the Committee acknowledges that you have provided some evidence of CPD, it considers that the CPD is unfocussed and not targeted on the issues relevant in this case. Further, 9 of the 13 CPD certificates submitted confirm that the verifiable learning time was less than one hour, and thus in the Committee's view, of limited value. This Committee, like the previous PCC, notes that you are currently practising dentistry in South Africa which, it considered, should have given you an opportunity to provide some evidence of remediation in the form of independent audits of your work or reports from the other dental professional working with you there. You have chosen not to provide any such evidence in the past year. The Committee considers that the efforts you have made at remediating your past shortcomings have been woefully inadequate and raise concerns as to your level of insight into your shortcomings and engagement in the remediation process.

Given the very limited attempts to address the extensive failings identified in your clinical practice and limited insight into these matters, the Committee therefore considers the risk of repetition remains. The Committee has determined that a finding of impairment is necessary for the continued protection of the public. It also considered the wider public interest and decided that public confidence in the dental profession and the regulatory process would be undermined, if a finding of impairment were not made in the circumstances of this case.

Accordingly, the Committee has determined that your fitness to practise remains impaired by reason of your misconduct in both cases.

### **Decision on Sanction**

The Committee considered what action, if any, to take in respect of your registration.

The Committee has had regard to the 'Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016)'. It applied the principle of proportionality, balancing the public interest with your own interests. It considered the available options in ascending order.

In view of the Committee's concerns about the ongoing risk of you repeating your past misconduct as well as your lack of insight, it determined that it would be inappropriate to terminate the current order of suspension or to allow it to lapse. Such courses of action would not afford the public the necessary level of protection required, nor would they satisfy the wider public interest.

The Committee next considered whether to replace the suspension order with one of conditions. In doing so, it agreed that your clinical failings are capable of being remedied. However, it has had regard to your previous failures to comply with conditions imposed on your registration as well as the absence of any substantial remediation, despite you being given the opportunity to do so on many occasions. The Committee also has concerns about your lack of insight into your failings. Taking all of these factors into account, the Committee has concluded that conditions would not be workable, appropriate or proportionate in the circumstances.

The Committee has therefore determined to extend the order of suspension on your registration. The Committee has decided to extend the order by a period of 12 months. In deciding on this period, the Committee has taken into account the nature and extent of the failings identified by the initial PCCs in April 2014 and May 2015 and the lack of any substantial progress on your part over a sustained period of time. The Committee considered that a longer period of suspension on this occasion would give you the opportunity to focus on the remediation required in this case, whilst ensuring that the public and wider public interest remain protected.

A Committee will review your case at a resumed hearing to be held shortly before the end of the extended period of suspension. That Committee will consider whether it should take any further action in relation to your registration. You will be informed of the date and time of that resumed hearing.

At the resumed hearing, the reviewing Committee may be assisted by your written reflections on the failings that led to your misconduct and current impairment as well as the steps you have taken to remedy them. It might also be assisted by evidence of CPD aimed at addressing your past failings, any audits undertaken at your current practice in South Africa, together with a report or statement from another dentist on your clinical competence, and whether learning undertaken has become embedded in your current clinical practice.

Unless you exercise your right of appeal, your current suspension order will be extended by a period of 12 months, starting 28 days from the date when notice of this Committee's direction is deemed to have been served upon you. In the event that you do lodge an appeal against this decision, the current suspension order will continue to remain in force until the appeal has been decided.

That concludes this hearing."

At a review hearing on 20 December 2019 the Chairman announced the determination as follows:

"Mr Sayanvala,

This is a resumed hearing pursuant to section 27C of the Dentists Act 1984.

On 24 April 2014 the Professional Conduct Committee (PCC) found your fitness to practise to be impaired by reason of misconduct, summarising the factual background as follows:

The proven facts in this case relate to your treatment of one patient, Patient 1, between 7 June 2011 and 8 October 2012 at the Longlands Dental Practice. You have admitted, and the Committee has found, that the standard of care you provided to Patient 1 fell below that reasonably expected of a dental practitioner in a number of respects.

During your treatment of Patient 1 over the period in question, you failed to:

- carry out a periodontal assessment;
- take an updated medical history;
- justify, take and report on radiographs as clinically necessary;
- provide adequate oral health advice;
- diagnose a number of potentially serious dental conditions;
- provide an adequate standard of record keeping.

On 18 July 2012 Patient 1 attended the Practice for an emergency appointment, complaining of a problem with her LL3. A periapical radiograph showed a large carious lesion, which had almost destroyed the crown of the tooth. As Patient 1 was about to go on holiday, you placed a temporary filling in the LL3, with the intention of preparing the tooth for a post retained crown on her return. Whilst on holiday Patient 1's LL3 fractured sub-gingivally.

At her next scheduled appointment on 9 August 2012, you recorded in the dental records that her LL3 had a poor prognosis for a post retained crown. Therefore, you extracted the LL3 and prepared the LL4 before placing a temporary bridge. The proposed treatment plan at that time was a two tooth cantilever bridge replacing the LL3 and retained on LL4. However, at an appointment on 8 October 2012, you varied the treatment plan to prepare the LL2, a healthy tooth. You fitted a temporary three tooth fixed-fixed bridge, retained on the LL2 and LL4, which was of poor quality. This variance was not with the informed consent of Patient 1.

The April 2014 PCC directed that your registration be made subject to your compliance with conditions for a period of 18 months with a review.

On 08 May 2015 the PCC considered a different set of allegations against you in respect of another patient also anonymised as 'Patient 1' and found your fitness to practise to be impaired by reason of misconduct, summarising the factual background as follows:

Between 25 March 2010 and 4 June 2010 you provided a course of treatment to Patient 1. You did not provide an adequate standard of care in a number of respects, including:

- Failing to carry out a full assessment of the presenting dental condition;
- Failing to carry out a full diagnostic assessment;
- Failing to take radiographs of diagnostic quality;
- Failing to discuss treatment options;
- Failing to diagnose the cause of the patient's pain;
- Prescribing antibiotics when they were not clinically indicated;
- Prescribing antibiotics in excess of the recommended dose and duration;
- Failing to provide treatment that was clinically indicated;
- Failing to take a post-operative radiograph following root canal treatment;
- Failing to provide an adequate standard of record keeping.

The May 2015 PCC directed that your registration be made subject to your compliance with a second set of conditions in respect of these matters for a period of 6 months with a review. The 6 month period aligned to the expiry of the period of conditional registration directed by the April 2014 PCC, allowing the review hearing for both sets of conditions to be held on the same day.

An early review hearing was held on 23 September 2015 to consider alleged breaches of the conditions. The PCC that found your fitness to practise continued to be impaired in respect of both sets of proceedings and directed that the two periods of conditional registration be replaced with suspension for a period of 4 months with a review and an immediate order of suspension.

As to continuing impairment, the September 2015 stated:

You have conceded that you have not complied fully with a number of the conditions imposed on your registration, albeit you have provided documents to show the progress you have made. The Committee notes from your correspondence to SC, and in your submissions before it today, some

of the difficulties you have experienced in trying to arrange meetings through the secretary of Mr Majthia. You have described your attempts to comply with the conditions as being a “struggle”. You told the Committee that you have sold your dental practice in the United Kingdom and that you have been attending to family matters in South Africa. You have put forward these personal matters as the reasons why you were not able to comply with the conditions. In summary, you have accepted that it would be appropriate for your registration to remain subject to conditions.

The Committee has had regard to the email exchange from SC [the GDC’s Case Review Officer] to you in which she sets out the information the GDC requires and the date by which it was required in compliance with the conditions. It is clear from this exchange of emails that you have repeatedly failed to comply with deadlines in terms of the provision of information to the GDC, and thus you have failed to comply with the requirements of your conditions. In particular, the Committee finds that you have breached conditions 1, 3, 4, 6, 7, 8, 9, 11 and 12 of the conditions imposed by the PCC in April 2014 and you have breached conditions 4, 5, 6, 7 and 10 imposed by the PCC in May 2015. The Committee considers that these breaches are widespread and are significant. The Committee is of the view that the development of a PDP in conjunction with the Postgraduate Dental Dean is an essential first step in addressing your failings. It is concerned that your PDP has been devised by yourself, without you having discussed its contents with the Postgraduate Dental Dean. It has heard of the difficulties you have experienced in trying to organise meetings with Mr Majthia. Nevertheless, the Committee considers that it was incumbent upon you to have taken the initiative in resolving the situation. It is concerned that you have not attended any meetings with Mr Majthia since 6 March 2015.

Accordingly, the Committee is not satisfied that you have complied with the conditions on your registration. There is no evidence before this Committee to satisfy it that you have addressed adequately the concerns identified by the PCC in April 2014 and May 2015. In addition, the Committee has grave concerns as to whether you understand the importance of adhering to the requirements of your conditional registration. Taking all these factors into account, the Committee is satisfied that your fitness to practise remains impaired.

#### And as to sanction:

In the light of its findings that you have breached the conditions imposed on your registration by the PCC in April 2014 and May 2015, the Committee has concluded that it is necessary for the protection of patients that your registration be restricted. It considered whether it would be sufficient to direct that your current period of conditional registration be extended, as invited by both parties. The Committee is concerned by the widespread nature of your breaches of the conditions imposed on your registration. You told the Committee that you will comply fully with a further period of conditional registration. However, the Committee is not convinced that you are committed to addressing these shortcomings in a meaningful and substantial way. You have been given ample opportunity by the GDC to demonstrate compliance with the conditions but you have failed to do so. The Committee considers that conditions are no longer sufficient to meet the requirements of public protection and to maintain public confidence in the profession and the GDC as its regulator.

In all the circumstances, the Committee has determined that in order to secure the change in your attitude and behaviour which it considers to be necessary to ensure your future compliance and to enable you to address your shortcomings, it is necessary and proportionate to suspend your registration for a period of four months, with a review hearing to take place prior to the end of that period. The Committee considers that this period of time is sufficient to enable you to reflect properly on the shortcomings that have been identified and to bring about the attitudinal change that is necessary.

The reviewing Committee may be assisted by a reflective piece setting out your understanding of the importance of addressing the deficiencies in your practice and your commitment to comply fully with any future conditions on your practice, designed to return you to safe practice.

The review hearing was held on 8 February 2016. The PCC found that your fitness to practise continued to be impaired in respect of both sets of proceedings. It directed that the suspension be replaced with conditions of practice for a period of 12 months with a review and an immediate order of conditions, stating:

...The Committee accepted that you have indicated that you would be willing to comply with conditions placed on your registration by this Committee.

The Committee considered whether extending the current suspension order would be proportionate and appropriate in this case. The Committee concluded that in all the circumstances of this case, and taking into account all the evidence adduced, a further period of suspension on your registration would serve no useful purpose. Further, the public would be suitably protected and the public interest upheld through the imposition of conditions of practice. The Committee also had regard to the submissions made by Miss French that the GDC are not seeking to extend the suspension order currently in place.

Having regard to the matters it has identified, the Committee concluded that a conditions of practice order will mark the importance of maintaining public confidence in the profession, and will send the public, the profession and you a clear message about the standards required of a registered dental practitioner. Further, a period of conditional registration will allow you to address the concerns identified...

The review hearing was held on 17 February 2017, when the conditions were extended for a further period of 12 months with a review:

...The Committee noted that the clinical deficiencies identified by the previous PCC were capable of remediation. It was of the view that you have undertaken some remediation and acknowledges the positive steps you have taken thus far to address your deficiencies. However, it considered that your remediation still has a way to go. It considers that you have not fully addressed all the areas of concern identified by the previous Committee. In particular it considers that your CPD is lacking in detail. The hours of CPD that you have undertaken since your first meeting with the deanery in May 2016 is limited. It noted that you had visited the deanery last week, however, you have not furnished this Committee with any update from the Post Graduate Dean [sic] regarding his assessment of any progress you may have made.

The Committee is satisfied that you have not demonstrated adequate insight into your deficiencies. You continue to believe that you have more or less addressed all of the concerns identified by the previous Committee.

It concluded that more time is required to allow your learning to be sufficiently embedded into your current practice. The Committee therefore determined that your fitness to practise remains currently impaired because of your misconduct...

An early review hearing was held on 18 August 2017 on the basis that you had not complied with the conditions, the PCC stating:

You have not complied with the order of conditions imposed in February and have therefore not remedied the matters of concern. You failed to fully engage with the GDC after the last hearing, including not responding to correspondence and not providing details of your current address.

The Committee has therefore determined that your fitness to practise remains currently impaired.

The August 2017 PCC directed that the conditions be replaced with suspension for a period of 4 months with a review and an immediate order, stating:

...The Committee imposes the order for a period of four months, with a review shortly before the end of the period. This will allow you time to deal with your personal circumstances and the stress that you have been under recently. You stated that you had not been coping in the recent past due to the various pressures upon you. The Committee therefore takes the view that a period of

suspension will benefit you. At the review hearing, the Committee might be assisted by your written reflections on the failings that led to your misconduct and current impairment and the steps you have and will take to remedy them. Any evidence of CPD aimed at addressing your past failings and any audits undertaken at your current practice in South Africa may also assist...

The review hearing was held on 4 January 2018 when the suspension was extended for a further period of 12 months with a review, the PCC stating:

The Committee took into account that wide ranging failings were identified in your clinical practice in April 2014 and May 2015. Since those initial hearings, successive Committees have found that your attempts at remedying the failings have not been sufficient. The anticipation has been that following the further suspension of your registration in August 2017, you would take further steps to address the concerns that have continued to remain outstanding in this case. You stated in an email to the GDC, dated 12 September 2017, that "I have taken note in your letter that a committee will be assisted by a reflective piece from myself." However, you have chosen not to provide any reflection or evidence of remediation on this occasion and, in the Committee's view, have not provided a valid reason for failing to do so. The Committee noted that you are currently practising dentistry in South Africa which, it considered, should have enabled you to at least provide some, if not all, of the information recommended by the Committee in August 2017.

Given the absence of any evidence of further remediation or any evidence of your current level of insight, the Committee concluded that there has been no material change in this case since the last hearing. There is nothing before this Committee to suggest that you have sufficiently addressed the extensive failings identified in your clinical practice and therefore the risk of repetition must remain. The Committee therefore determined that a finding of impairment is necessary for the continued protection of the public. It also considered the wider public interest and decided that public confidence in the dental profession and the regulatory process would be undermined, if a finding of impairment were not made in the circumstances of this case.

The last review hearing was held on 4 January 2019. The PCC found that your fitness to practise continued to be impaired:

This Committee, like previous PCCs, has had regard to the wide ranging failings in relation to your clinical practice in respect of two patients. These matters were considered by the PCC at hearings in April 2014 and May 2015. Since those initial hearings, successive Committees have found that your attempts at remedying the failings have not been sufficient. The information before this Committee comprises an updated reflective piece which, in the Committee's opinion, is lacking in detail and is woefully inadequate. While the Committee acknowledges that you have provided some evidence of CPD, it considers that the CPD is unfocussed and not targeted on the issues relevant in this case. Further, 9 of the 13 CPD certificates submitted confirm that the verifiable learning time was less than one hour, and thus in the Committee's view, of limited value. This Committee, like the previous PCC, notes that you are currently practising dentistry in South Africa which, it considered, should have given you an opportunity to provide some evidence of remediation in the form of independent audits of your work or reports from the other dental professional working with you there. You have chosen not to provide any such evidence in the past year. The Committee considers that the efforts you have made at remediating your past shortcomings have been woefully inadequate and raise concerns as to your level of insight into your shortcomings and engagement in the remediation process.

Given the very limited attempts to address the extensive failings identified in your clinical practice and limited insight into these matters, the Committee therefore considers the risk of repetition remains. The Committee has determined that a finding of impairment is necessary for the continued protection of the public. It also considered the wider public interest and decided that public confidence in the dental profession and the regulatory process would be undermined, if a finding of impairment were not made in the circumstances of this case.

Accordingly, the Committee has determined that your fitness to practise remains impaired by reason of your misconduct in both cases.

The January 2019 PCC directed that the period of suspension be extended for a further period of 12 months with a review, the PCC stating that:

...it has had regard to your previous failures to comply with conditions imposed on your registration as well as the absence of any substantial remediation, despite you being given the opportunity to do so on many occasions. The Committee also has concerns about your lack of insight into your failings. Taking all of these factors into account, the Committee has concluded that conditions would not be workable, appropriate or proportionate in the circumstances.

The Committee has therefore determined to extend the order of suspension on your registration. The Committee has decided to extend the order by a period of 12 months...

...At the resumed hearing, the reviewing Committee may be assisted by your written reflections on the failings that led to your misconduct and current impairment as well as the steps you have taken to remedy them. It might also be assisted by evidence of CPD aimed at addressing your past failings, any audits undertaken at your current practice in South Africa, together with a report or statement from another dentist on your clinical competence, and whether learning undertaken has become embedded in your current clinical practice.

#### *The resumed hearing*

It is the role of the Committee today to undertake the review directed by the January 2019 PCC. You participated in the hearing by telephone and provided the Committee with evidence of your Continuing Professional Development (CPD) activity since 1 January 2019 and a reflective statement.

#### *Submissions on behalf of the General Dental Council*

Ms Snowball, for the GDC, referred the Committee to *Khan v General Pharmaceutical Council* [2016] UKSC 64:

27. The guidance therefore makes clear that the focus of a review is upon the current fitness of the registrant to resume practice, judged in the light of what he has, or has not, achieved since the date of the suspension. The review committee will note the particular concerns articulated by the original committee and seek to discern what steps, if any, the registrant has taken to allay them during the period of his suspension. The original committee will have found that his fitness to practise was impaired. The review committee asks: does his fitness to practise *remain* impaired?

Ms Snowball submitted that your fitness to practise continues to be impaired. There had been significant failings which existed over a significant period of time, including a failure to obtain informed consent and numerous deficiencies in record keeping. There has been little evidence of remediation since the last hearing and little evidence to show that the concerns have been remedied and embedded in practice.

Ms Snowball submitted that it would have been helpful if you had completed the reflection parts of the CPD forms you submitted and if you had provided audits demonstrating that you have embedded your learning into your current clinical practice. She stated that the last committee indicated the following might assist this Committee at this review hearing: reflective writing, CPD, audits and a report from another dentist on your competence. You have not provided any of this save for the CPD certificates. Some of that CPD evidence shows that the module has only taken a few seconds to complete. This is inadequate learning. There continues to be a risk of harm to the public and a risk to the reputation of the profession.

Ms Snowball submitted that any sanction imposed should be no more than that which is necessary to protect the public and to maintain public confidence in the profession. Conditions would not be appropriate because there is nothing to suggest that you would engage and comply with the conditions. If there is a material change in circumstances it is open to you to apply for an early review.

Ms Snowball invited the Committee to extend the current period of suspension for a further period of 6 to 12 months with a review.

Upon the conclusion of the GDC's submissions you explained that you did have a reflective piece to provide and so the Committee adjourned to allow time for this document to be circulated. You confirmed that there were no other documents you wished to provide, such as audits.

In respect of the reflective piece, Ms Snowball submitted that there is no independent verifiable evidence to show any improvement in your practice and that your reflective document appears to be similar in form and content to the one you had provided at an earlier review hearing. She therefore maintained the GDC's submission of current impairment and its sanction bid for a continuation of the suspension for a further period of 6-12 months.

#### *Your submissions*

You chose not to give oral evidence to the Committee today and instead addressed the Committee on your remediation through submissions only.

You asked the Committee to replace your suspension with conditions. You referred to personal family matters. You explained in respect of the index events involving the two patients that you were struggling as an associate to deliver a high standard of care under the pressure of time. Your situation is now that you have the "luxury of 30-60 minute appointments" (as opposed to the 15 minutes allocated to you for each patient at the time of the index events). You explained that you therefore have more time to take a medical history, to gain a proper understanding of the patient's condition and to make adequate records. You stated that you now explain matters fully to patients. You stated that you would not allow what happened previously to happen again, as you would always ensure that sufficient time would be allocated to each patient.

When asked by the Committee what your understanding of clinical governance is and how your learning in this regard has improved your practice, you referred to it being important to have a complaints procedure.

When asked about your previous conditions relating to audits and whether you had conducted any audits of your practice at all, you stated that you had completed audits on your own practice in the areas of antimicrobial prescribing, radiographs, record keeping and consent. You stated you would be unable to provide these to the Committee, as you have not had a chance to assemble all the documents.

When asked about your CPD and why the record of your verifiable activity shows that you only spend a few seconds on each module, you explained that some of the questions for this online CPD were "just multiple choice questions" and others were "just diagrams". You were unable to assist the Committee further.

When asked about why the sections of your CPD documentation headed "your reflections" are left blank, you stated that you did not have time to complete your reflections at the time of the CPD activity.

*Decision*

The Committee accepted the advice of the Legal Adviser. The Committee had regard to the *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016).

The Legal Adviser referred the Committee to *Abrahaem v General Medical Council* [2008] EWHC 183 (Admin) at paragraph 23:

...In practical terms there is a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged why past professional performance was deficient and through insight, application, education, supervision or other achievement sufficiently addressed the past impairments.

As found by the previous Committees, your clinical failings are remediable. The evidence you provide of remediation at this seventh review hearing of matters occurring in 2010 to 2012 is still limited. Your written reflection lacks any reflection of the possible harm you caused to the patients and the effect of your misconduct on the reputation of the profession. There is very little linking of the failings identified in these proceedings to your written reflection.

The Committee considers that you still have little insight into the failings identified by the initial hearings Committees, the possible impact on the patients and you have shown little or no remorse for your actions.

In your oral submissions you were frank but did not demonstrate a link between your original failings, any learning and any embedded improvement in practice. You blamed the NHS system rather than taking responsibility yourself. There has been some learning but you have not consolidated that learning into your practice. You have not submitted any of the audits you have undertaken, notwithstanding that this was identified by the last Committee as being relevant to the review today. You have also not provided any statement from another practitioner on your learning and competence as a dentist.

The Committee determined on the material before it that there continues to be a risk of repetition owing to your lack of remediation. There is therefore a real risk of harm to patients should you be allowed to practise without restriction. The Committee therefore determined that your fitness to practise continues to be impaired in respect of the misconduct found in both proceedings.

The continued restriction of your registration is necessary for the protection of the public and to maintain public confidence in the profession.

You failed on two occasions to comply with conditions in the past, resulting in the need for your registration to be suspended. There is nothing to suggest to the Committee that you would comply with conditions on your registration at this stage of your remediation. The Committee could not be satisfied either that conditions would be sufficient at this stage to protect the public and to maintain public confidence in the profession.

The Committee was satisfied that the continued suspension of your registration therefore remains appropriate. The Committee gave consideration to directing that your registration be suspended indefinitely but concluded that this would be disproportionate owing to your engagement in these proceedings and the remedial steps, albeit limited, which you have taken so far and the prospect of you continuing to demonstrate further remediation. The Committee therefore directs that the period of suspension be extended for a further period of 12 months beginning with the date on which that period would otherwise expire.

The further period of suspension shall be reviewed prior to its expiry. The Committee reminds you of the importance of providing sufficient evidence to the reviewing Committee. Your current reflections before the Committee today do not specifically or adequately address the failings identified at your initial PCC hearings. The reviewing Committee may be assisted by the following:

- Your written reflections on the misconduct identified at the initial PCCs in April 2014 and May 2015 and your reflections on your learning and how this has been embedded in your current practice.
- CPD addressing the identified areas of failure, your reflection on the lessons you have learned from this CPD and how you have embedded it in your current clinical practice.
- Independently verified audits on the specific areas of clinical practice identified in these proceedings.
- A report or statement from another dentist on your clinical competence and how your learning has been embedded in your current practice.

That concludes the hearing today.”