

HEARING HEARD IN PUBLIC

CAREW, Marina Prem

Registration No: 62053

PROFESSIONAL CONDUCT COMMITTEE

DECEMBER 2016 – MAY 2019

Most recent outcome: Suspended Indefinitely **

** See page 18 for the latest determination

Marina Prem CAREW, a dentist, BDS Lond 1987, LDS RCS Eng 1987; was summoned to appear before the Professional Conduct Committee on 12 December 2016 for an inquiry into the following charge:

Charge (as amended on 12 December 2016)

“That being a registered dentist:

1. From a date or dates unknown until approximately 5 July 2016 (or, alternatively, 3 December 2015), you caused or allowed one or both of the following statements to be published on the internet:
 - (a) *“i, Marina, bring to your attention that paying income tax is a criminal offence...”*;
 - (b) *“Following Marina refusing to be bullied by the Oasis’ THU.15.OCT.2015 male chauvinist blackmail [[Email Address redacted]-blackmail-threatening-to-block-patient-from-fri-16-oct-2015], on TUE.10.NOV.2015 morning, when Marina attended at Oasis, in Bishops Stortford, as per Marina’s contract with Oasis, and Oasis’ duty-of-care to ensure that all Marina’s patients receive appropriate dental treatment at Oasis, until at least Christmas Eve — instead Oasis physically blocked Marina from treating her patients. Please be assured that whilst Marina refuses to be bullied, by Oasis and others who violate the rule-of-law, Marina is still doing everything she can to resume caring for her patients as soon as possible...”*.
2. Your conduct in respect of paragraph 1 above was:
 - (a) inappropriate;
 - (b) unprofessional.
3. WITHDRAWN.
4. WITHDRAWN:
 - (a) WITHDRAWN;
 - (b) WITHDRAWN.
5. On or before 16 November 2015, you caused or allowed an email dated 15 October 2015, addressed to yourself, from the practice manager of Oasis Bishops Stortford, to

be published on the internet under the heading '*Oasis blackmail [sic] threatening to block patient treatment from FRI.16.OCT.2015*'.

6. Your conduct in respect of paragraph 5 above was:
 - (a) inappropriate;
 - (b) unprofessional.
7. Following the repossession of your practice premises [redacted] by the Official Receiver on or about 30 June 2015, you failed:
 - (a) to collect all or some of your patient records from the Property despite one or more requests, including by TLT Solicitors, for you to do so;
 - (b) to make any or any adequate arrangements for the safe storage of your patient records away from the Property;
8. In the alternative to paragraph 7(b) above, you failed to communicate any such arrangements to TLT Solicitors and/or your Trustee in Bankruptcy, adequately or at all.

And in light of the facts alleged, your fitness to practise is impaired, by reason of your misconduct.”

On 13 December 2016 the Chairman made the following statement regarding the finding of facts:

“This is a Professional Conduct Committee hearing of Ms Carew’s case. Ms Carew is neither present nor represented at these proceedings. Mr Mulchrone, Counsel, is the Case Presenter for the General Dental Council (‘the GDC’).

Mr Mulchrone applied for the hearing to proceed in Ms Carew’s absence, pursuant to Rule 54 of the *GDC (Fitness to Practise) Rules 2006* (‘the Rules’). The Committee took account of his submissions in respect of that application and the supporting documentation provided. It accepted the advice of the Legal Adviser.

Service

The Committee first considered whether Ms Carew had been sent notification of the hearing in accordance with Rules 13 and 65. It saw a copy of the ‘Notification of Hearing’ letter, dated 7 November 2016, which was sent to Ms Carew’s registered address by Special Delivery and First Class post. A copy was also sent to her by email to two of her known email addresses, which Ms Carew had indicated would be acceptable. The Committee was satisfied that the letter contained proper notification of today’s hearing, including its date, time and location, as well as notification that the Committee had the power to proceed with the hearing in Ms Carew’s absence. Whilst the Committee took into account that the GDC is not required by the Rules to prove receipt, it had regard to a Royal Mail ‘Track and Trace’ receipt confirming that the letter was delivered and signed for on 11 November 2016. The Committee noted the information regarding the postal re-direction service in place in respect of Ms Carew’s registered address. It also noted the documentation outlining the unsuccessful attempts that have been made by the GDC to obtain an alternative address for her. The Committee had regard to the fact that the onus is upon Ms Carew to keep her contact details with her regulatory body up to date. In all the circumstances, the Committee was satisfied that service had been properly effected in accordance with the Rules.

Proceeding with the hearing in the absence of Ms Carew

The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Ms Carew. It took into account the need to be fair to both parties, including any inconvenience an adjournment might cause to any witnesses. It also had regard to the public interest in dealing with this case expeditiously.

The Committee had regard to the documentation showing the GDC's attempts to engage with Ms Carew from around April of this year. It was satisfied from this information that she is at least aware of the fitness to practise proceedings against her. The Committee noted that whilst some contact had been made with Ms Carew, her engagement in more recent times has been lacking. There is no evidence before the Committee today to explain Ms Carew's absence. Further, she has not requested an adjournment of this hearing. The Committee concluded that Ms Carew had voluntarily absented herself from these proceedings. It therefore considered that an adjournment today would serve no useful purpose. The Committee determined that it was fair and in the interests of justice to proceed with the hearing in the absence of Ms Carew.

Amendments to the charge

Following the Committee's decision to proceed with the hearing, Mr Mulchrone made an application to amend the charge under Rule 18 of the Rules. He applied to withdraw head of charge 3, and head of charge 4 in its entirety. He explained that at the conclusion of the GDC's investigation in this case, it was decided that there was no real prospect of heads of charge 3 and 4 being found proved at a substantive hearing. Accordingly, these allegations were referred back to the GDC's Investigating Committee and that Committee has since cancelled its referral of these matters.

Having received advice from the Legal Adviser, the Committee acceded to Mr Mulchrone's application to withdraw the heads of charge in question. It accepted that it had no jurisdiction to proceed with these allegations in the circumstances.

The Committee next acceded to a further application made by Mr Mulchrone under Rule 25 to join the following new allegations to the charge:

- “5. *On or before 16 November 2015, you caused or allowed an email dated 15 October 2015, addressed to yourself, from the practice manager of Oasis Bishops Stortford, to be published on the internet under the heading 'Oasis blackmail [sic] threatening to block patient treatment from FRI.16.OCT.2015'.*
6. *Your conduct in respect of paragraph 5 above was:*
 6. (a) *inappropriate;*
 6. (b) *unprofessional.*”

The Committee was satisfied that these new allegations were of a similar nature to the original allegations at head of charge 1 and 2. It also considered that it would be expeditious and in the public interest to consider the new allegations together with the original allegations at one hearing. The remaining original allegations within the charge were re-numbered accordingly.

The amended charge

The amended charge in this case contains allegations that fall into two distinct categories. The first of these categories relates to Ms Carew’s alleged conduct in causing or allowing inappropriate and unprofessional material to be published on the internet.

The second category relates to Ms Carew’s alleged failure to make arrangements in respect of patient records that were left at her practice premises following its repossession by the Official Receiver on or about 30 June 2015. Ms Carew’s practice premises were repossessed after her bankruptcy on the petition of HMRC.

In the absence of Ms Carew, the Committee received no information to indicate whether she admitted or denied any of the allegations set out in the charge against her.

Evidence

By way of factual evidence, the Committee received a number of documents including copies of: the signed witness statement, dated 27 April 2016 and the associated exhibit of Mr M S, an officer of the GDC; the signed witness statement, dated 29 July 2016 and associated exhibits of Ms J P, also an officer of the GDC; the signed witness statement, dated 12 August 2016 and associated exhibits of Mr B K of Capsticks, solicitors for the GDC; and the signed witness statement, dated 22 August 2016 and associated exhibits of Mr E C of Oasis Dental Care. The Committee noted that within the associated exhibits of these witnesses were copies of screenshots of the material that Ms Carew is said to have caused or allowed to be published online at the material times. The Committee also received copies of the correspondence sent to Ms Carew requesting that she make arrangements to remove her patient records from her practice premises. This included correspondence sent to Ms Carew from TLT Solicitors.

In terms of expert evidence, the Committee was provided with a report, dated 12 August 2016, prepared by Professor Stephen Dunne, the expert witness called by the GDC. Professor Dunne also attended the hearing to give oral evidence.

The Committee’s findings of fact

The Committee considered all of the evidence presented to it. It took account of the closing submissions made by Mr Mulchrone on behalf of the GDC and it accepted the advice of the Legal Adviser. The Committee considered each head of charge separately, bearing in mind that the burden of proof rests with the GDC and that the standard of proof is the civil standard, that is, whether the alleged facts are proved on the balance of probabilities. The Committee drew no adverse inference from Ms Carew’s non-attendance at this hearing.

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

1.	<i>From a date or dates unknown until approximately 5 July 2016 (or, alternatively, 3 December 2015), you caused or allowed one or both of the following statements to be published on the internet:</i>
1. (a)	<p><i>“i, Marina, bring to your attention that paying income tax is a criminal offence...”;</i></p> <p>Proved.</p> <p>The Committee received evidence in the form of witness statements and screenshots of the relevant internet page, which confirm that this statement was seen online on several occasions by two separate people, Ms J P and Mr B K. The statement in question was written in the first person and was found on Ms Carew’s professional website for her practice. The Committee was satisfied on the</p>

	<p>basis of the evidence that the statement in question was made available online with Ms Carew's knowledge and, as such, she caused or allowed it to be published.</p>
1. (b)	<p><i>"Following Marina refusing to be bullied by the Oasis' THU.15.OCT.2015 male chauvinist blackmail [[Email Address redacted]-blackmail-threatening-to-block-patient-from-fri-16-oct-2015], on TUE.10.NOV.2015 morning, when Marina attended at Oasis, in Bishops Stortford, as per Marina's contract with Oasis, and Oasis' duty-of-care to ensure that all Marina's patients receive appropriate dental treatment at Oasis, until at least Christmas Eve — instead Oasis physically blocked Marina from treating her patients. Please be assured that whilst Marina refuses to be bullied, by Oasis and others who violate the rule-of-law, Marina is still doing everything she can to resume caring for her patients as soon as possible..."</i></p> <p>Proved.</p> <p>The Committee received evidence in the form of witness statements and screenshots of the relevant internet page, which confirm that this statement was seen online on several occasions by two separate people, Ms J P and Mr B K. Whilst the Committee took into account that this statement was written in the third person, it was however, published on Ms Carew's professional website for her practice. The Committee also noted that the statement relates to what it understands to be the circumstances of a dispute she was having with Oasis Dental Care. Taking all of this into account, the Committee was satisfied that, at the very least, Ms Carew allowed the statement to be published on the internet.</p>
2.	<p><i>Your conduct in respect of paragraph 1 above was:</i></p>
2. (a)	<p><i>inappropriate;</i></p> <p>Proved.</p> <p>Both statements were published on Ms Carew's professional website for her practice. This website appeared to serve as a point of contact for existing and prospective patients. Therefore, the Committee considered that the content of the website should have remained limited to Ms Carew's professional work as a dentist. It did not consider it to be a suitable forum for her to air her personal or political views. The Committee found Ms Carew's publication of this statement about paying income tax on her professional website to be clearly inappropriate. Furthermore, the statement she made in this regard is factually incorrect. The Committee also considered it wholly inappropriate for her to publish information anywhere online regarding her dispute with another dental practice.</p>
2. (b)	<p><i>unprofessional.</i></p> <p>Proved.</p> <p>In reaching its finding, it had regard to the GDC's '<i>Standards for the Dental Team (September 2013)</i>'. It had particular regard to Standard 9, which relates to the issues of personal behaviour and the maintaining of patients' confidence in the dental profession. The Committee considered that Ms Carew's blurring of professional and personal boundaries was not appropriate behaviour and was therefore unprofessional. It also considered her publication of material criticising</p>

	other members of the profession to be unprofessional, as it is conduct which does not accord with the standards set by the GDC.
3.	WITHDRAWN.
4.	WITHDRAWN in its entirety.
5.	<p><i>On or before 16 November 2015, you caused or allowed an email dated 15 October 2015, addressed to yourself, from the practice manager of Oasis Bishops Stortford, to be published on the internet under the heading 'Oasis blackmail [sic] threatening to block patient treatment from FRI.16.OCT.2015'.</i></p> <p>Proved.</p> <p>The Committee received evidence in the form of witness statements from Ms J P and Mr B K, including screenshots, as to where and when this email was seen online. The Committee noted that this statement was found on Ms Carew's professional website for her practice. It also took into account that the email in question had been sent directly by the practice manager of Oasis Bishops Stortford to Ms Carew. It was therefore satisfied that Ms Carew must have caused or allowed the publication of the email.</p>
6.	<i>Your conduct in respect of paragraph 5 above was:</i>
6. (a)	<p><i>Inappropriate;</i></p> <p>Proved.</p> <p>In finding this head of charge proved, the Committee considered Ms Carew's conduct in publishing the email, as well as the heading under which she published the email. The Committee noted that the email was an internal communication sent to Ms Carew during the course of her work for Oasis Bishops Stortford. It also took into account from the relevant screenshot that it is stated at the bottom of the email "<i>If this email has found you by mistake, please do not share it...</i>", which suggests that it was intended to be confidential. There is no evidence before the Committee to suggest that the practice manager or the practice authorised Ms Carew's publication of what should have been an internal private email. The Committee also had regard to the fact that the heading under which she published the email was misleading. There is nothing within the email to support Ms Carew's contention of blackmail and blocking patient treatment. In all the circumstances, the Committee was satisfied that Ms Carew's conduct in relation to this email was clearly inappropriate.</p>
6. (b)	<p><i>Unprofessional.</i></p> <p>Proved.</p> <p>The Committee considered Ms Carew's inappropriate conduct in relation to the publication of the email was, in itself, unprofessional. Her conduct in unambiguously accusing a dental provider of blackmail was not in accordance with Standard 9, as already mentioned above.</p>
7.	<i>Following the repossession of your practice premises at [redacted] by the Official Receiver on or about 30 June 2015, you failed:</i>
7. (a)	<i>to collect all or some of your patient records from the Property despite one or more</i>

	<p><i>requests, including by TLT Solicitors, for you to do so;</i></p> <p>Proved.</p> <p>The Committee found this head of charge proved on the basis that not all of the patient records were collected by Ms Carew.</p> <p>The Committee received evidence to suggest that Ms Carew had collected some 10 records from the Property. However, the Committee decided that, Ms Carew, as the patients' dentist, had a clear duty to collect all of the records in question to safeguard patient confidentiality. The evidence before the Committee is that she did not do so, as the records were eventually sent to the GDC. The Committee noted the receipt for the 23 boxes of records at the GDC, which is appended to the witness statement of Ms J P and dated 9 September 2015.</p>
7. (b)	<p><i>to make any or any adequate arrangements for the safe storage of your patient records away from the Property;</i></p> <p>Proved.</p> <p>The Committee received no evidence regarding any arrangements that Ms Carew had in mind for the safe storage of the patient records. It decided, however, that whatever arrangements, if any, that she might have planned, were not adequate, given that the patient records were eventually sent to the GDC after remaining at the Property for a period of approximately two months. The Committee considered that Ms Carew had ample time to address the need to make adequate provision for the storage of the records.</p>
8	<p><i>In the alternative to paragraph 7(b) above, you failed to communicate any such arrangements to TLT Solicitors and/or your Trustee in Bankruptcy, adequately or at all.</i></p> <p>This allegation is charged as an alternative to head of charge 7 (b), which the Committee has found proved. Accordingly, it has made no finding in relation to Head of charge 8.</p>

We move to Stage Two.”

On 13 December 2016 the Chairman announced the determination as follows:

“This is a Professional Conduct Committee hearing of Ms Carew’s case. Ms Carew is neither present nor represented at these proceedings. Mr Mulchrone, Counsel, is the Case Presenter for the General Dental Council (‘the GDC’).

The Committee’s tasks at this second stage of the hearing have been to consider whether the facts it has found proved amount to misconduct and if so, whether Ms Carew’s fitness to practise is currently impaired by reason of that misconduct. The Committee noted that if it made a finding of current impairment, it would be required to consider what sanction, if any, to impose on Ms Carew’s registration.

In reaching its decisions, the Committee considered all of the evidence presented to it. It also took account of the submissions made by Mr Mulchrone on behalf of the GDC and it accepted the advice of the Legal Adviser.

Mr Mulchrone's submissions on behalf of the GDC included reference to Ms Carew's fitness to practise history, namely a previous Professional Conduct Committee hearing held in March 2013. That Committee made findings in respect Ms Carew's failure to communicate effectively with two patients and her failure to provide an adequate standard of care. That Committee decided, however, that the matters in that case represented an isolated incident and Ms Carew's fitness to practise was found not to be impaired. Mr Mulchrone also drew this Committee's attention to the fact that Ms Carew had recently been issued with formal advice by the GDC's Investigating Committee in relation to a separate and unrelated matter.

In relation to the issues at this hearing today, it was Mr Mulchrone's submission that the facts found proved amounted to misconduct and that Ms Carew's fitness to practise is impaired. He invited the Committee to consider suspending Ms Carew's registration for a period of between three and six months.

In the absence of Ms Carew or any representative acting for her, the Committee received no direct evidence or submissions on her behalf. However, the Committee did take into account two emails written by Ms Carew about access to patient records and other matters. One of these emails is dated 16 February 2016 and the other is undated. The Committee also had regard to Mr Mulchrone's comments and the legal advice on the factors it may wish to consider as part of this case, including any matters of mitigation.

Facts found proved

The facts found proved in this case concern Ms Carew's inappropriate and unprofessional conduct from a date or dates unknown until approximately 5 July 2016 (or, alternatively, 3 December 2015) in causing or allowing two statements to be published on her professional website for her practice. In one of the statements, Ms Carew expressed her personal or political view regarding the paying of income tax, which was factually incorrect. The second statement referred to details of Ms Carew's dispute with another dental practice, where she had been contracted to work. On or before 16 November 2015, Ms Carew further caused or allowed to be published on her professional website a confidential internal email sent to her by the practice manager of that dental practice. The email was published under a misleading heading, which suggested that Ms Carew was being blackmailed by that dental practice and being blocked from treating patients.

The Committee also made findings in respect of Ms Carew's failure to make arrangements in respect of patient records that were left at her practice premises following its repossession by the Official Receiver on or about 30 June 2015. Ms Carew's practice premises were repossessed after her bankruptcy on the petition of HMRC. She failed to collect all of her patient records from the premises, despite requests to do so, including requests by a firm of solicitors. Further, Ms Carew failed to make any or any adequate arrangements for the storage of her patient records away from her practice premises. The records she left behind were subsequently sent to the GDC in September 2015, where they currently remain.

Misconduct

The Committee considered whether the facts found proved amounted to misconduct. It took into account that a finding of misconduct in the regulatory context requires a serious falling short of the standards expected of a registered dental professional. It had regard to the GDC's '*Standards for the Dental Team (September 2013)*', in particular the following principles:

1. Put patients' interests first.

4. Maintain and protect patients' information.
9. Make sure your personal behaviour maintains patients' confidence in you and the dental profession.

The matters in this case relate to two very different elements of Ms Carew's conduct. The Committee first considered her failings in appropriate arrangements for the collection and safe storage of her patient records. It regarded her shortcomings in this respect to be a serious breach of a fundamental professional obligation. The Committee considered the safeguarding of patient records to be essential for the continuity of safe patient care, to ensure data protection and for the protection of patient confidentiality. The Committee took into account the evidence of Professor Dunne, the expert witness called by the GDC, that Ms Carew's failings in respect of the clinical records of her patients fell far below the standard expected. Whilst the Committee acknowledged that the repossession of her premises created some practical difficulties for Ms Carew in this respect, it was satisfied that her failure to respond to repeated requests to address this important issue would be regarded as deplorable by her fellow dental practitioners.

The Committee next considered the matter of the material placed by Ms Carew on her professional website. It took the view that the published information relating to her dispute with another dental practice was also a serious departure from the relevant standards. In reaching this conclusion, the Committee took into account that this particular aspect of her conduct went directly to her relationship with other dental professionals and therefore had significant potential to undermine public confidence in the profession. Taking all of the internet issues together, the Committee considered that Ms Carew's behaviour was clearly unacceptable and unbecoming of a registered dental professional. The Committee also had regard to the fact that all of the material placed on the internet was able to be viewed for what appears to be a considerable amount of time. In the circumstances, the Committee was satisfied that Ms Carew's inappropriate and unprofessional conduct amounted to misconduct.

Accordingly, the Committee has determined that misconduct is made out on the facts found proved in this case.

Impairment

The Committee next considered whether Ms Carew's fitness to practise is currently impaired by reason of her misconduct. In reaching its decision, the Committee exercised its independent 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 for the members of the dental profession.

The Committee also considered Ms Carew's fitness to practise history. It concluded, however, that those matters were not relevant to its considerations in this current case.

The Committee considered Ms Carew's misconduct, as found in this case and was satisfied that it was capable of being remedied. It considered that remediation could be achieved by demonstrating sufficient insight, being more careful with patient records in the future and by desisting from causing or allowing inflammatory and inappropriate information to be published on the internet.

The Committee was not satisfied however, that Ms Carew had actually remedied any aspect of her misconduct. Whilst it took into account that her patient records are now in the custody of the GDC, this has not been on account of any positive action that she has taken. In relation to the internet concerns, the Committee did take into account that its findings relate to specific time periods. However, there is no evidence before it to suggest that the material in question has since been removed. Furthermore, Ms Carew's very limited engagement with the GDC and the regulatory process has meant that the Committee has received no indication of any remediation she has undertaken or plans to undertake. There is also no evidence as to any insight into the issues in this case.

In the absence of any evidence of remediation or insight, the Committee could only conclude that the likelihood of repetition on Ms Carew's part is high. It considered that any repetition of her failings in relation to the safekeeping of clinical records could pose a risk of harm to patients. The Committee therefore decided that a finding of impairment was necessary for the protection of patients.

The Committee also had regard to the wider public interest. It took into account Ms Carew's failure in her guardianship of patient records and the extreme and inappropriate nature of some of the material published on her professional website. It also had regard to the lack of any evidence of her insight or steps she has taken to address the concerns that have been raised. The Committee was satisfied that public confidence in the dental profession would be undermined if a finding of impairment were not made in the circumstances of this case.

The Committee has therefore determined that Ms Carew's fitness to practise is currently impaired.

Sanction

The Committee considered what sanction, if any, to impose on Ms Carew's registration. It noted 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.

In reaching its decision, the Committee took into account the '*Guidance for the Practice Committees including Indicative Sanctions Guidance (effective from October 2016)*' ('the Guidance'). 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 Ms Carew's own interests.

In light of its conclusion that there remains a high risk that Ms Carew could repeat her misconduct, the Committee decided that it would be wholly inappropriate to conclude this case without taking any action in relation to her registration. Ms Carew does not appear to have shown any remorse and there is no evidence that she has taken any corrective steps. Therefore the Committee considered that some action was necessary to protect patients and to satisfy the wider public interest.

The Committee also concluded that the issue of a reprimand would be insufficient in the circumstances of this case, as it would not afford the necessary public protection. Nor would a reprimand uphold public confidence, given the serious nature of the findings in this case, which Ms Carew is yet to address.

The Committee considered whether to impose conditions on Ms Carew's registration. However, in view of her ongoing lack of engagement with the GDC, the Committee decided that no appropriate or workable conditions to address the failures could be formulated.

The Committee next considered whether to suspend Ms Carew's registration. In doing so, it had regard to Paragraph 7.28 of the Guidance which deals with the sanction of suspension. The Committee noted that suspension is appropriate for more serious cases. It also noted that many of the factors listed as indicated that this particular sanction may be appropriate, are present in Ms Carew's case, these being that:

- the registrant has not shown insight and/or poses a significant risk of repeating the behaviour;
- patients' would be insufficiently protected by a lesser sanction;
- public confidence in the profession would be insufficiently protected by a lesser sanction; and
- there is no evidence of harmful deep-seated personality or professional attitudinal problems (which might make erasure appropriate).

Given the serious nature of its findings, its outstanding concerns and Ms Carew's lack of engagement with her regulatory body, the Committee decided that that a period of suspension is an appropriate and proportionate sanction. Whilst it took into account the potential consequences for Ms Carew, not least the financial implications, it was satisfied that a suspension was necessary to sufficiently mark Ms Carew's misconduct and to protect patients. The Committee has determined to suspend Ms Carew's registration for a period of four months. The Committee considered that this period of time would be sufficient for Ms Carew to address the concerns raised in this case.

The Committee took into account that Ms Carew's misconduct had occurred at a difficult time for her, when she was subject to great personal and professional stress because of insolvency proceedings. Further, the Committee did not consider Ms Carew's departures from the relevant professional standards to be so serious as to justify erasure. In view of this context, the Committee decided that a higher sanction would be disproportionate.

A Committee will review Ms Carew's case at a resumed hearing to be held shortly before the end of the period of suspension. That Committee will then consider what further action, if any, to take in relation to her registration. Ms Carew will be informed of the date and time of that resumed hearing, with which she will be expected to engage.

The Committee reviewing Ms Carew's case may find it helpful to receive the following:

- Evidence of her reflection upon and learning from the findings that have been made in this case.
- Evidence of her appreciation of the importance of her compliance with the GDC's Standards.
- Any evidence of relevant Continuing Professional Development that she has undertaken since this hearing.

Unless Ms Carew exercises her right of appeal, her registration will be suspended 28 days from the date when notice of this determination is deemed to have been served upon her.

The Committee now invites submissions from you, as to whether Ms Carew's registration should be suspended immediately, pending its substantive determination taking effect.

In deciding whether to impose an order for the immediate suspension of Ms Carew's registration, the Committee took account of the submission made by Mr Mulchrone on behalf of the GDC that such an order should be imposed. It accepted the advice of the Legal Adviser.

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 of suspension on Ms Carew's registration. It has already concluded that there remains a likelihood that Ms Carew could repeat her misconduct and that any repetition of her failings in respect of clinical records could pose a risk to the safety of patients. The Committee therefore considered that it would be inconsistent not to impose an immediate order to ensure the protection of patients during the intervening appeal period. It also considered that public confidence in the dental profession and the GDC's regulatory process would be undermined if an immediate order were not imposed in the circumstances of Ms Carew's case.

The effect of the foregoing determination and this order is that Ms Carew's registration will be suspended from the date on which notice is deemed to have been served upon her. Unless she exercises her right of appeal, the substantive direction for suspension, as already announced, will take effect 28 days from the date of deemed service and will continue for a period of four months.

Should Ms Carew exercise her right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.

That concludes this hearing."

At a review hearing on 24 April 2017 the Chairman announced the determination as follows:

"This is the resumed Professional Conduct Committee (PCC) hearing of Ms Carew's case. Ms Carew is neither present nor represented at these proceedings. Mr Shadbolt is the Case Presenter for the General Dental Council (GDC).

Service

In Ms Carew's absence, the Committee first considered whether the Notice of Resumed Hearing had been served on Ms Carew in accordance with Rule 28 of the General Dental Council (Fitness to Practise)(GDC) Rules Order of Council 2006 (the Rules). The Committee saw a copy of the Notice of Resumed Hearing letter dated 24 March 2017 which was sent to Ms Carew's registered address by special delivery. This letter sets out the information required in accordance with Rule 28. The Royal Mail track and trace receipt confirms that the item was delivered to Ms Carew's registered address on 30 March 2017 and was also signed for on that day. This letter was sent to Ms Carew's registered address more than 28 days in advance of today's hearing, in accordance with Rule 28. Furthermore, the Committee saw documents which showed that the GDC had emailed the Notice of Resumed Hearing to Ms Carew's email address on 24 March 2017. In these circumstances, the Committee was satisfied that the GDC had complied with the requirements of service in accordance with Rule 28.

The Committee then went on to consider whether to proceed in the absence of Ms Carew, in accordance with Rule 54. Mr Shadbolt applied for the hearing to proceed in Ms Carew's absence. He referred to the documentation provided which showed that the GDC had served the Notice of Resumed Hearing on Ms Carew in accordance with its statutory provisions, as

well as the absence of any request by her for an adjournment. He drew the Committee's attention to an email dated 24 April 2017 from Ms Carew to the GDC. In that email she cites various acts, such as the Treason Act 1351 and the Coronation Oath Act 1688. The email contains a series of statements that have little or no relevance to the matters under consideration and are incomprehensible. The Committee saw a similar style of email dated 14 December 2016 which it understood was sent from Ms Carew to the GDC in connection with her initial PCC hearing in December 2016. Ms Carew did not attend that hearing. Mr Shadbolt also advised the Committee that it is necessary for a PCC to review the order before its expiry on 12 May 2017.

The Committee considered the submissions made. It has accepted the advice of the Legal Adviser. It noted from the documentation before it the attempts made by the GDC to secure Ms Carew's engagement in these proceedings since December 2016 and the absence of any response from her, save for the emails to the GDC described above, that do not appear to relate to the issues under consideration. There is no information before the Committee today to explain Ms Carew's absence from this hearing. Further, she has not requested an adjournment of today's hearing and there is nothing before the Committee today to suggest that Ms Carew might attend the hearing on a future occasion. Indeed, she did not attend the initial PCC hearing of her case in December 2016. In the Committee's view, Ms Carew has voluntarily absented herself from today's hearing. In addition, the Committee considered that there is a clear public interest in reviewing Ms Carew's case before the expiry of the current order. Accordingly, the Committee determined that it is fair to proceed with today's review hearing in the absence of Ms Carew.

Background

This is a resumed hearing of Ms Carew's case, which is being convened pursuant to Section 27C of the Dentists Act 1984. Ms Carew's case was considered by the PCC at a hearing in December 2016. The facts found proved by the PCC concerned Ms Carew's inappropriate and unprofessional conduct from a date or dates unknown until approximately 5 July 2016 (or, alternatively, 3 December 2015) in causing or allowing two statements to be published on her professional website for her practice. In one of the statements, Ms Carew expressed her personal or political view regarding the payment of income tax, which was factually incorrect. The second statement referred to details of Ms Carew's dispute with another dental practice, where she had been contracted to work. On or before 16 November 2015, Ms Carew further caused or allowed to be published on her professional website a confidential internal email sent to her by the practice manager of that dental practice. The email was published under a misleading heading, which suggested that Ms Carew was being blackmailed by that dental practice and being blocked from treating patients.

The PCC also found that Ms Carew failed to make arrangements in respect of patient records that were left at her practice premises following its repossession by the Official Receiver on or about 30 June 2015. Ms Carew's practice premises were repossessed after her bankruptcy on the petition of HMRC. She failed to collect all of her patient records from the premises, despite requests to do so, including requests by a firm of solicitors. Further, Ms Carew failed to make any or any adequate arrangements for the storage of her patient records away from her practice premises. The records she left behind were subsequently sent to the GDC in September 2015.

The PCC considered that the findings against Ms Carew amounted to a serious departure from the relevant standards. It regarded her failure to make arrangements for the collection and safe storage of her patient records to be a serious breach of a fundamental professional obligation. In respect of the material placed by Ms Carew on her professional website, the

Committee considered that this conduct went directly to her relationship with other dental professionals and therefore had significant potential to undermine public confidence in the profession. The PCC determined that the facts found proved amounted to misconduct. There was no evidence that Ms Carew had remedied any aspect of her misconduct or had any plans to do so, or that she had any insight into the issues in this case. Furthermore, the PCC was concerned about Ms Carew's lack of engagement with her regulatory body. The PCC concluded that the risk of repetition remained and could, in the case of the safeguarding of clinical records, pose a risk of harm to patients.

The PCC determined that Ms Carew's fitness to practise was impaired by reason of her misconduct. It directed that her registration be suspended for a period of 4 months, with a review hearing of the order to take place shortly before the end of the period of suspension. The PCC indicated that it expected Ms Carew to engage with the GDC in relation to her resumed hearing. It also indicated that the Committee reviewing Ms Carew's case may find it helpful to receive the following:

- Evidence of her reflection upon and learning from the findings that have been made in this case.
- Evidence of her appreciation of the importance of her compliance with the GDC's Standards.
- Any evidence of relevant Continuing Professional Development that she has undertaken since this hearing.

Today's review

At today's hearing this Committee has comprehensively reviewed the current order. In so doing, the Committee has had regard to the GDC prosecution bundle, which contains copies of letters and emails dated 14 December 2016, 15 December 2016, 24 January 2017 and 24 March 2017 from the GDC's Case Review Team to Ms Carew, reminding her of the recommendations made by PCC in December 2016. In the most recent letter dated 24 March 2017 the GDC's Case Review Team invited Ms Carew to provide the GDC with the evidence recommended by the PCC in December 2016. Ms Carew has not replied to the GDC's repeated requests for information.

Mr Shadbolt submitted that Ms Carew's fitness to practise remains impaired. He referred to Ms Carew's lack of engagement with the GDC since December 2016 and the absence of any evidence of remediation or insight, or the recommendations made by the PCC in December 2016. He also referred the Committee to the email dated 24 April 2017 from Ms Carew to the GDC which he said, could suggest that she has not accepted the findings of the PCC in December 2016. He invited the Committee to direct that Ms Carew's registration be suspended for a period of 12 months, citing her limited engagement with the GDC as a reason for recommending a longer period of suspension than previously directed.

The Committee has considered carefully the submissions made. It has accepted the advice of the Legal Adviser. There is no evidence before this Committee that Ms Carew has addressed her past impairment, or any evidence of the matters recommended to her by the PCC in December 2016. Indeed, she has not engaged with the GDC throughout the period of her suspension, save for her email to the GDC dated 24 April 2017. The Committee considers that Ms Carew remains a risk to the public. Accordingly, the Committee has determined that Ms Carew's fitness to practise is currently impaired.

The Committee next considered what direction to give, bearing in mind its powers in accordance with Section 27C of the Dentists Act 1984. In so doing, it has had regard to the

GDC's "Guidance for the Practice Committees including Indicative Sanctions Guidance" (October 2016).

In the Committee's judgement, Ms Carew has not demonstrated any commitment to remediate her deficiencies or engage with the GDC, despite being given the opportunity to do so. In these circumstances, the Committee has concluded that replacing the current suspension order with one of conditions would not be appropriate or sufficient for the protection of the public.

The Committee therefore directs that the current period of suspension on Ms Carew's registration be extended for a period of 12 months. It is satisfied that extending the order for the maximum period of 12 months is necessary for the protection of the public, given her lack of engagement with the GDC. It considers that a shorter period of suspension will serve no useful purpose given that Ms Carew has chosen not to engage appropriately with her regulator since December 2016.

The order of suspension will be reviewed shortly prior to the end of the 12 month period. That Committee will consider what action it should take in relation to Ms Carew's registration.

That concludes today's case."

At a second review hearing on 27 April 2018 the Chairman announced the determination as follows:

"This is the resumed Professional Conduct Committee (PCC) hearing of Ms Carew's case. Neither General Dental Council (GDC) nor Ms Carew were present at these proceedings.

SERVICE

The Committee first considered whether the Notice of Resumed Hearing had been served on Ms Carew in accordance with Rule 28 of the *General Dental Council (Fitness to Practise)(GDC) Rules Order of Council 2006* (the Rules). The Committee saw a copy of the Notice of Resumed Hearing letter dated 13 March 2018 which was sent to Ms Carew's registered address by special delivery. The notice sets out the information required in accordance with Rule 28. The Royal Mail track and trace receipt confirms that the item was delivered and signed for in the name of 'Carew' on 16 March 2018.

This notice was sent to Ms Carew's registered address more than 28 days in advance of today's hearing, in accordance with Rule 28. Furthermore, the Committee saw documents which showed that the GDC had emailed the Notice of Resumed Hearing to Ms Carew's email address on 13 March 2018. In these circumstances, the Committee was satisfied that the GDC had complied with the requirements of service in accordance with Rule 28.

PROCEEDING IN THE ABSENCE OF THE PARTIES AND ON THE PAPERS

The Committee then went on to consider whether to proceed in the absence of the GDC and Ms Carew and conduct this review on the papers before it.

Ms Carew has not responded to the notification, nor has she engaged with the GDC in respect of this matter.

The Committee had sight of written submissions from the GDC, dated 9 April 2018, requesting that the Committee consider this review on the papers and confirming that a continuation of the substantive order of suspension is sought.

The Committee was satisfied that it was appropriate to proceed in the absence of both parties. It considered that no purpose would be achieved by adjourning the hearing to give the registrant a further opportunity of attending. It took into account the need to review this substantive order before its expiry. It was therefore satisfied that it was appropriate to review the order on the basis of the papers before it.

BACKGROUND

This is the second resumed hearing of this case, convened pursuant to Section 27C of the Dentists Act 1984.

Ms Carew's case was first considered by the PCC at a hearing in December 2016. The facts found proved by the PCC concerned Ms Carew's inappropriate and unprofessional conduct from a date or dates unknown until approximately 5 July 2016 (or, alternatively, 3 December 2015) in causing or allowing two statements to be published on her professional website for her practice. In one of the statements, Ms Carew expressed her personal or political view regarding the payment of income tax, which was factually incorrect. The second statement referred to details of Ms Carew's dispute with another dental practice, where she had been contracted to work. On or before 16 November 2015, Ms Carew further caused or allowed to be published on her professional website a confidential internal email sent to her by the practice manager of that dental practice. The email was published under a misleading heading, which suggested that Ms Carew was being blackmailed by that dental practice and being blocked from treating patients.

That initial Committee also found that Ms Carew failed to make arrangements in respect of patient records that were left at her practice premises following its repossession by the Official Receiver on or about 30 June 2015. Ms Carew's practice premises were repossessed after her bankruptcy on the petition of HMRC. She failed to collect all of her patient records from the premises, despite requests to do so, including requests by a firm of solicitors. Further, Ms Carew failed to make any or any adequate arrangements for the storage of her patient records away from her practice premises. The records she left behind were subsequently sent to the GDC in September 2015.

The Committee determined that these findings amounted to a serious departure from the relevant standards. It regarded her failure to make arrangements for the collection and safe storage of her patient records to be a serious breach of a fundamental professional obligation. In respect of the material placed by Ms Carew on her professional website, the Committee considered that it had significant potential to undermine public confidence in the profession. The PCC determined that the facts found proved amounted to misconduct. There was no evidence that Ms Carew had remedied any aspect of her misconduct nor that she had any plans to do so. There was no evidence before the Committee to indicate that she had any insight into the issues raised. The Committee was also concerned about Ms Carew's lack of engagement with her regulatory body. It concluded that there was a real risk of repetition and a risk of harm to patients.

That Committee determined that Ms Carew's fitness to practise was impaired by reason of her misconduct. It directed that her registration be suspended for a period of 4 months, with a review to be held shortly before the end of the period. It indicated that it expected Ms Carew to engage with the GDC in relation to her resumed hearing. It also indicated that the Committee reviewing Ms Carew's case may find it helpful to receive the following:

- Evidence of her reflection upon and learning from the findings that have been made in this case.

- Evidence of her appreciation of the importance of her compliance with the GDC's Standards.
- Any evidence of relevant Continuing Professional Development that she has undertaken since the hearing.

At a resumed hearing on 24 April 2017, which Ms Carew failed to attend, the Committee noted a continuing lack of engagement and determined that her fitness to practise remained impaired. It extended the order of suspension for a period of 12 months.

IMPAIRMENT

Today this Committee has comprehensively reviewed the current order. It has read all of the documentation placed before it, including the written submissions of the GDC. It has accepted the advice of the Legal Adviser.

The Committee has noted the numerous pieces of correspondence sent by the GDC to Ms Carew, reminding her of the recommendations made by the initial and reviewing Committees. It has seen no replies from Ms Carew. The Committee has noted Ms Carew's continuing lack of engagement with the GDC, dating back to the initial hearing in December 2016, and the absence of any evidence of remediation or insight. She still has not complied with the recommendations made by the Committee in December 2016.

There is no evidence before this Committee to suggest that Ms Carew has addressed her past impairment. She has not engaged with the GDC throughout the period of her suspension. The Committee considers that Ms Carew remains a risk to the public. Accordingly, the Committee has determined that Ms Carew's fitness to practise is currently impaired.

SANCTION

The Committee sought to determine what action to take in relation to Ms Carew's registration. It bore in mind that the purpose of a sanction is not to be punitive, but rather to protect patients and the wider public interest.

It first considered whether to revoke the order of suspension and take no further action. In the light of the seriousness of the findings made against Ms Carew, the Committee decided that it would be inappropriate to revoke the order and conclude the case with no action as such an outcome would not address Ms Carew's misconduct and continuing impairment.

The Committee considered whether to revoke the order of suspension and replace it with one of conditional registration. It noted Ms Carew's continuing lack of engagement with the GDC in relation to this matter. She has produced none of the evidence suggested by the Committee and has demonstrated no insight. The Committee determined that conditional registration would therefore not be appropriate.

The Committee therefore directs that the current period of suspension on Ms Carew's registration be extended for a further period of 12 months. It is satisfied that extending the order for the maximum period of 12 months is necessary for the protection of the public, given her lack of engagement with the GDC. It considers that a shorter period of suspension will serve no useful purpose given that Ms Carew has chosen not to engage with this process.

The order of suspension will be reviewed shortly prior to the end of the 12 month period. That Committee will consider what action it should take in relation to Ms Carew's registration.

That concludes today's case."

At a third review hearing on 3 May 2019 the Chairman announced the determination as follows:

“This is a resumed hearing for the purposes of s 27C of the Dentists Act 1984.

On 13 December 2016 the Professional Conduct Committee (PCC) found Ms Carew’s fitness to practise to be impaired by reason of her misconduct and directed that her registration be suspended for a period of 4 months with a review, summarising the facts as follows:

The facts found proved in this case concern Ms Carew’s inappropriate and unprofessional conduct from a date or dates unknown until approximately 5 July 2016 (or, alternatively, 3 December 2015) in causing or allowing two statements to be published on her professional website for her practice. In one of the statements, Ms Carew expressed her personal or political view regarding the paying of income tax, which was factually incorrect. The second statement referred to details of Ms Carew’s dispute with another dental practice, where she had been contracted to work. On or before 16 November 2015, Ms Carew further caused or allowed to be published on her professional website a confidential internal email sent to her by the practice manager of that dental practice. The email was published under a misleading heading, which suggested that Ms Carew was being blackmailed by that dental practice and being blocked from treating patients.

The Committee also made findings in respect of Ms Carew’s failure to make arrangements in respect of patient records that were left at her practice premises following its repossession by the Official Receiver on or about 30 June 2015. Ms Carew’s practice premises were repossessed after her bankruptcy on the petition of HMRC. She failed to collect all of her patient records from the premises, despite requests to do so, including requests by a firm of solicitors. Further, Ms Carew failed to make any or any adequate arrangements for the storage of her patient records away from her practice premises. The records she left behind were subsequently sent to the GDC in September 2015, where they currently remain.

The suspension was reviewed on 24 April 2017, when the suspension was continued for a further period of 12 months with a review. Ms Carew had not attended or otherwise engaged in that hearing. The next review hearing was held on 27 April 2018, when the suspension was continued for a further period of 12 months with a review:

...The Committee has noted the numerous pieces of correspondence sent by the GDC to Ms Carew, reminding her of the recommendations made by the initial and reviewing Committees. It has seen no replies from Ms Carew. The Committee has noted Ms Carew’s continuing lack of engagement with the GDC, dating back to the initial hearing in December 2016, and the absence of any evidence of remediation or insight. She still has not complied with the recommendations made by the Committee in December 2016.

There is no evidence before this Committee to suggest that Ms Carew has addressed her past impairment. She has not engaged with the GDC throughout the period of her suspension. The Committee considers that Ms Carew remains a risk to the public. Accordingly, the Committee has determined that Ms Carew’s fitness to practise is currently impaired...

The resumed hearing

It is the role of the Committee today to undertake the review directed by the April 2018 PCC. Ms Carew was neither present nor represented at the hearing. Ms Headley, for the General Dental Council (GDC), submitted that the notification of hearing had been served on Ms

Carew in accordance with the General Dental Council (Fitness to Practise) Rules 2006 (the "Rules") and that the hearing should proceed in her absence.

The notification of hearing was sent to Ms Carew at her registered address by Special Delivery on 15 March 2019. The item was returned to sender with the envelope marked as "addressee gone

away". The Committee was satisfied that the notification contained the required information under Rule 13, including the time, date and venue of this hearing. Ms Headley confirmed that Ms Carew's registered address is her last known address and that the GDC holds no other postal address for her.

The Committee was satisfied that the notification of hearing had been served on Ms Carew in accordance with Rule 65 by virtue of it being posted to her registered address by special delivery. It is her responsibility as a dental professional to keep her registered details up to date so that her regulatory body can contact her.

A copy of the notification of hearing had also been sent to Ms Carew by email on 15 March 2019 using her last known email address.

The Committee next considered whether to exercise its discretion to proceed with the hearing, notwithstanding the absence of Ms Carew. This is a discretion which must be exercised with the utmost care and caution. The Committee was satisfied that the GDC has made all reasonable efforts to notify Ms Carew of this hearing. There has been no engagement from her regarding her attendance at this hearing or at the last review hearings. There is no application for a postponement from her. There is nothing to suggest to the Committee that an adjournment would make her attendance any more likely in the near future. Further, the Committee must review the case before the suspension lapses on 12 May 2019 or the Committee will likely lose jurisdiction over the case. Having regard to all the circumstances, including the registrant's complete disengagement from these proceedings, the Committee's statutory duty to ensure the expeditious disposal of proceedings and the pending expiry of the suspension, the Committee determined that it was satisfied that it would be fair and in the interests of justice to proceed with the hearing, notwithstanding the absence of Ms Carew.

The Committee heard the submissions made by Ms Headley, who submitted that Ms Carew's fitness to practise continues to be impaired and that indefinite suspension is now appropriate given Ms Carew's complete disengagement from these proceedings and from the GDC. Ms Headley confirmed to the Committee that there is nothing to suggest that Ms Carew has breached her suspension.

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).

There is a persuasive burden on Ms Carew to satisfy this reviewing Committee that she has addressed all of the concerns which led to the finding of impairment. The misconduct in this case is remediable through evidence of reflection and insight but there is no such evidence of this from her. As with the hearing today, she had not attended or engaged in the last two review hearings. She also had not engaged with the initial hearing in 2016. She has completely disengaged from these proceedings. Her regulator does not even know her current whereabouts and is unable to contact her. There is no evidence whatsoever before the Committee of any insight, remorse, reflection or remediation. There has been no material change since the original finding of impairment in 2016. In those circumstances, the

Committee cannot be satisfied that the risk of repetition is low. In the Committee's judgment, Ms Carew's fitness to practise continues to be impaired on public protection and public interest grounds. The reputation of the profession would be seriously undermined if the Committee made no finding of impairment.

In the Committee's judgment, the continued restriction of Ms Carew's registration remains necessary and proportionate given the complete lack of remediation. The Committee first considered restricting Ms Carew's registration through conditions of practice. There is nothing to suggest that conditions of practice could be formulated to be workable, measurable or proportionate. Ms Carew is not engaging in these proceedings.

The Committee considered that a further period of suspension would serve no purpose, as there is nothing to suggest that the Committee will be in any different position in 12 months' time (the maximum period of suspension). Accordingly, the Committee was satisfied that it is now appropriate that her registration be suspended indefinitely.

Accordingly, the Committee directs that Ms Carew's registration be suspended indefinitely.

That concludes the hearing."