

**HEARING HEARD IN PUBLIC**

**SIDHU, Jaspal**

**Registration No: 68942**

**PROFESSIONAL CONDUCT COMMITTEE**

**NOVEMBER 2016**

**Outcome: Erased with Immediate Suspension**

Jaspal SIDHU, a dentist, BDS Lpool 1993, was summoned to appear before the Professional Conduct Committee on 17 November 2016 for an inquiry into the following charge:

**Charge (as amended on 17 November 2016)**

“

1. [withdrawn].
2. On 8 December 2015, you were convicted at Isleworth Crown Court of:
  - a. threats to kill on 14 May 2014 to 15 June 2014, contrary to Section 16 Offences Against The Person Act 1861, and subsequently sentenced on 11 December 2015 to imprisonment of 18 months;
  - b. rape of female aged 16 years of over on 14 May 2014 to 15 June 2014, contrary to Section 1 Sexual Offences Act 2003, and subsequently sentenced on 11 December 2015 to imprisonment of 9 years, a victim surcharge of £120, and a sex offenders notice for life;
  - c. rape of female aged 16 years of over on 14 May 2014 to 15 June 2014, contrary to Section 1 Sexual Offences Act 2003, and subsequently sentenced on 11 December 2015 to imprisonment of 9 years;
  - d. assault occasioning actual bodily harm on 14 May 2014 to 15 June 2014, contrary to Section 47 Offences Against The Person Act 1861, and subsequently sentenced on 11 December 2015 to imprisonment of 18 months.

AND that by reason of the facts alleged at head of charge 2, your fitness to practise is impaired by reason of conviction.”

Mr Sidhu was not present and was not represented. On 17 November 2016 the Chairman announced the findings of fact to the Counsel for the GDC:

“The registrant is not present at this hearing of the Professional Conduct Committee (PCC). Ms Vanya Headley of the GDC’s In-House Legal Prosecution Service appears for the GDC.

**Service of notice**

On behalf of the GDC Ms Headley submitted that service of notice of this hearing has been properly effected in accordance with the General Dental Council (Fitness to Practise) Rules 2006 (‘the Rules’). Ms Headley stated that as required by Rule 13 a notice of hearing dated

12 September 2016 was sent to the address that the registrant has registered with the GDC. The notice set out the date, time and location of this hearing. She submitted that the notice was sent in accordance with Rule 65 of the Rules, having been sent using the Royal Mail's Special Delivery postal service. The Committee has been provided with a copy of the Royal Mail's track and trace record for the notice, which states that the notice was delivered on the morning of 13 September 2016. The notice was also sent to Mr Sidhu's custodial address. Ms Headley also drew the Committee's attention to a letter from Mr Sidhu in which he confirmed that he is aware of the fact of today's hearing.

The Committee accepted the advice of the Legal Adviser. Having regard to the evidence put before it the Committee was satisfied that service has been properly effected in accordance with the Rules and that all reasonable efforts have been made to inform Mr Sidhu of this hearing.

### **Proceeding in absence**

The Committee then went on to consider whether to exercise its discretion to proceed in the absence of the registrant in accordance with Rule 54 of the Rules. Ms Headley invited the Committee to do so on the basis that the GDC had made all reasonable efforts to notify the registrant and that an adjournment would be unlikely to secure Mr Sidhu's attendance.

The Committee again accepted the advice provided by the Legal Adviser. The Committee was satisfied that it would be appropriate and fair to proceed in Mr Sidhu's absence. It has had particular regard to the Mr Sidhu's letter of response to the notice of hearing, in which he stated that he will not be attending this hearing. The Committee was informed that Mr Sidhu has not asked to attend the hearing by other means, such as via video link. The Committee considered that an adjournment would serve no purpose as it would be unlikely to secure the registrant's attendance. The Committee also considered that there is a clear public interest in proceeding with today's hearing for the purposes of securing an expeditious disposal of these serious matters.

### **Preliminary matters**

Ms Headley applied to withdraw head of charge 1, to amend heads of charge 2 (a), 2 (b), 2 (c) and 2 (d) and to withdraw a charge of impairment by reason of caution in accordance with Rule 18 of the Rules.

The Committee, having received advice from the Legal Adviser, considered that the proposed changes could be made with no injustice to either party and that it was fair for the amendments to be made. The schedule of charge was duly amended.

### **Background to the case and summary of allegations**

The facts giving rise to this case relate to Mr Sidhu's conviction for an offence of making threats to kill, two offences of rape, and one offence of assault occasioning actual bodily harm (ABH).

The Committee was told that on 24 June 2014 the Metropolitan Police informed the GDC that Mr Sidhu, who is a dentist, had been arrested on suspicion of the rape and assault of a female closely associated with him. The Committee has been provided with a copy of the remarks made by Judge Marron at Mr Sidhu's subsequent sentencing hearing on 11 December 2015, and notes that the circumstances of the offences giving rise to the conviction relate to Mr Sidhu's relationship with [text redacted].

On 8 December 2015 Mr Sidhu was convicted of making threats to kill, rape and assault occasioning ABH after a jury trial at Isleworth Crown Court. He reappeared before the same Court for sentencing on 11 December 2015 and was sentenced to a period of nine years' imprisonment for the offences of rape, and a concurrent period of 18 months' imprisonment for the offences of making threats to kill and assault.

**Evidence**

The Committee has been provided with documentary material in relation to the allegations that Mr Sidhu faces, including a certified copy of the Certificate of Conviction pertaining to his appearances before Isleworth Crown Court and a copy of the judge's sentencing remarks from the sentencing hearing on 11 December 2015.

**Committee's findings of fact**

The Committee has taken into account all the evidence presented to it and has considered the submissions made by Ms Headley on behalf of the GDC.

The Committee has accepted the advice of the Legal Adviser. The Committee has considered the heads of charge against the civil standard of proof, that is to say, the balance of probabilities. The Committee has considered each head of charge separately, although its reasons for its findings at heads of charge 2 (a), 2 (b), 2 (c) and 2 (d) will be given together.

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

1.	Withdrawn
2.a	Proved
2.b	Proved
2.c	Proved
2.d	Proved
	<p>The Committee finds the facts alleged at heads of charge 2 (a), 2 (b), 2 (c) and 2 (d) proved.</p> <p>The Committee had regard to Rule 57 (5) of the Rules and determined that the certified copy of the Certificate of Conviction provides conclusive proof of the fact of conviction and is also admissible as proof of the offences giving rise to that conviction. The Committee notes that the facts upon which the conviction was based have been found proven beyond reasonable doubt, which is an evidential standard that is higher than that used in these regulatory proceedings.</p> <p>The Committee is therefore satisfied that the facts alleged at heads of charge 2 (a), 2 (b), 2 (c) and 2 (d) have been properly made out to the required standard, and it therefore finds those facts proved.</p>

We move to stage two."

On 17 November 2016 the Chairman announced the determination as follows:

“The Committee has considered all the evidence presented to it, both written and oral. It has also taken into account the submissions made by Ms Headley on behalf of the General Dental Council (GDC).

The Committee has accepted the advice of the Legal Adviser. In its deliberations the Committee has had regard to the GDC’s *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2015).

### **Previous history**

On behalf of the GDC Ms Headley confirmed that Mr Sidhu has no fitness to practise history.

### **Impairment**

The Committee has considered whether Mr Sidhu’s fitness to practise is currently impaired by reason of his conviction. In doing so, the Committee 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.

In its deliberations the Committee has had regard to the following paragraph of the GDC’s *Standards for the Dental Team* (September 2013) in place at the time of Mr Sidhu’s conviction. This paragraph states that as a dentist:

- 9.1 You must ensure that your conduct, both at work and in your personal life, justifies patients’ trust in you and the public’s trust in the dental profession.

In reaching its decision the Committee has also taken into account the GDC’s *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2015). It has had particular regard to Appendix A of that document, which at paragraph 1 sets out that:

*‘The purpose of the fitness to practise process is not to punish the registrant a second time for the offence or offences of which they have been found guilty. The purpose is to consider whether the registrant’s fitness to practise is impaired as a result of the criminal conduct and, if so, whether there is a need to impose a sanction which could restrict the registration of the individual in the public interest’.*

The Committee has determined that Mr Sidhu’s fitness to practise is currently impaired by reason of his conviction. The offences for which he was convicted were of the utmost seriousness, involving as they did the rape and assault of [text redacted] and threats that he made to kill her. Although the Committee notes that the offences do not, therefore, appear to arise out of Mr Sidhu’s work as a dentist, the Committee is nonetheless in no doubt about the seriousness of such offences of violence, both real and threatened, and sexual violence. Mr Sidhu presents a real risk to the safety of the public and the Committee has no difficulty in finding that his fitness to practise is impaired.

The Committee further considers that a finding of impairment is undoubtedly required in relation to wider public interest considerations, more particularly to restore and maintain public confidence in the profession and to declare and uphold proper professional standards. Mr Sidhu’s conviction has placed the public’s trust and confidence in the profession at considerable risk of harm, and that trust and confidence would be further undermined if a finding of impairment were not made.

In reaching this decision the Committee has had regard to the minimal mitigating factors and the considerable aggravating factors present in this case. In terms of mitigation, the Committee notes that Mr Sidhu has no previous fitness to practise history. In relation to aggravation, the offences for which Mr Sidhu was convicted represent a fundamental breach of trust and involve serious and sustained harm being caused to a vulnerable individual over an extended period of time. The Committee also considers that Mr Sidhu's maintenance of his innocence connotes a lack of remorse for, and insight into, his serious and highly damaging criminal offences.

### **Sanction**

The Committee then determined what sanction, if any, would be appropriate in light of the findings of facts and impairment that it has made. The Committee recognises 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 interests mentioned above.

In reaching its decision the Committee has again taken into account the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2015). The Committee has also had regard to the case of CRHP v (1) GDC and (2) Mr Fleischmann [2005] EWHC87 (Admin).

The Committee has applied the principle of proportionality, balancing the public interest with Mr Sidhu's own interests. It has also again had regard to the submissions made by Ms Headley on behalf of the GDC.

The Committee has considered the range of sanctions available to it, starting with the least serious. In the light of the findings made against Mr Sidhu, the Committee finds that it would be wholly inappropriate to conclude this case with no action or with a reprimand. The serious nature of the conviction, and its damaging implications for public safety, trust and confidence, means that a more serious form of action must be taken. The Committee also considers that a period of conditional registration would undermine public trust and confidence in the profession. Such a sanction would be entirely inadequate in meeting the serious risks arising from the offences for which Mr Sidhu was convicted.

The Committee next considered whether a period of suspended registration would be appropriate. The Committee has determined that suspension is similarly not sufficient to address the serious nature of Mr Sidhu's conviction and that the imposition of a suspension would undermine public trust and confidence in the profession and in the regulatory process.

The Committee has determined that the only appropriate and proportionate sanction in this particularly serious case is that of erasure. Mr Sidhu's conviction for serious offences involving violence, both real and implied, including violence of a sexual nature, is fundamentally incompatible with registration as a dentist. Those offences are so damaging to public trust and confidence in the profession, and the standing and reputation of the profession, that the only sanction that is commensurate is one of erasure.

The Committee hereby directs that Mr Sidhu's name be erased from the register.

### **Existing interim order**

In accordance with Rule 21 (3) of the General Dental Council (Fitness to Practise) Rules 2006 and section 27B (9) of the Dentists Act 1984 (as amended) the extant interim order of suspension in place on Mr Sidhu's registration is hereby revoked.

**Immediate order**

Having directed that Mr Sidhu's name be erased from the register, the Committee has considered whether to impose an order for his immediate suspension in accordance with section 30 (1) of the Dentists Act 1984 (as amended).

The Committee has considered the submissions made by Ms Headley on behalf of the GDC as to the necessity of an immediate order of suspension. The Committee has accepted the advice of the Legal Adviser.

In the circumstances, the Committee has determined that an immediate order of suspension is necessary for the purposes of public protection and is otherwise in the public interest given the serious risks that the Committee has identified.

The effect of the foregoing determination and this immediate order is that Mr Sidhu's registration will be suspended from the date on which notice of this decision is deemed served upon him. Unless he exercises his right of appeal, his name will be erased from the Dentists' Register 28 days from the date of deemed service. Should Mr Sidhu exercise his right of appeal, this immediate order for suspension will remain in place until the resolution of any appeal.

That concludes this case."