

**Hearing held in public**

**Summary**

<b>Name:</b>	<b>ALEXANDER, John Lewis [Registration no: 49262]</b>
<b>Type of case:</b>	<b>Interim Orders Committee (review)</b>
<b>Outcome:</b>	<b>Suspension continued</b>
<b>Duration:</b>	<b>For the remainder of the period of the order</b>
<b>Date:</b>	<b>5 December 2019</b>
<b>Case number:</b>	<b>CAS-191361</b>

The role of the Interim Orders Committee (IOC) is to undertake a risk assessment based on the information before it. Its role is to assess the nature and substance of any risk to the public in all the circumstances of the case and to consider whether it is necessary for the protection of the public, is otherwise in the public interest, or is in the registrant's own interests to impose an interim order on their registration. It is not the role of the IOC to make findings of fact in relation to any charge. That is the role of a differently constituted committee at a later stage in the process.

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Neither party was present at today's hearing. The Council invited the Committee to review the interim order on Mr Alexander's registration on the basis of the papers without the parties present.

**Service:**

The Committee first sought to determine whether notice had been served on Mr Alexander in accordance with Rules 35 and 65 of the *General Dental Council (GDC) (Fitness to Practise) Rules 2006* ("the Rules").

In reaching its decision, the Committee considered the documentation before it, which included a copy of the notification of today's hearing sent to Mr Alexander by way of Tracked and Signed Delivery. Notice was served on Mr Alexander's registered address on 8 November 2019. The notice outlined the date, time, location and purpose of today's hearing. The notice also informed Mr Alexander of the Committee's power to proceed with today's interim order review hearing in his absence. The Committee notes the GDC submission that Mr Alexander acknowledged receipt of the Notice of Hearing when he telephoned the Council on 13 November 2019.

The Committee heard and accepted the advice of the Legal Adviser. The Committee had regard to the provisions of Rule 65 and S.50A of the Dentists Act 1984 and noted that the Council is not required to prove that notification was received, simply that the notification was sent. On the basis of the information provided to it, the Committee concluded that service of the notice of today's hearing had been properly effected in accordance with the Rules.

**Proceeding in the absence of Mr Alexander and on the papers alone:**

As the Committee found that the notice had been properly served, it went on to consider whether to exercise its discretion under Rule 54 to proceed with the hearing in Mr Alexander's

absence and on the papers alone, as was the request of the Council. The Committee bore in mind that the notice of hearing referred to above advised Mr Alexander that the GDC intended to invite this Committee to deal with this review hearing on the papers and to invite it to maintain the current interim order of suspension. It notes the GDC submission that Mr Alexander had stated during a telephone call on 31 May 2019 that he had left dentistry, requested a voluntary removal, was 68 years of age, very much retired and not practising dentistry. During a telephone call on 26 November 2019, he declined the opportunity to attend by either Skype or telephone. The Committee concludes that an adjournment, which in any event has not been requested, would be unlikely to serve any purpose. The Committee was also mindful of the public interest in an expeditious review of the interim order. In all the circumstances the Committee decided to proceed in the absence of Mr Alexander, and indeed in the absence of both parties.

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

This is the first review of an interim order of suspension that was first imposed on Mr Alexander's registration by the IOC on 10 June 2019 for a period of 18 months.

At the initial hearing, the IOC determined that an interim order of suspension was necessary for the protection of the public and was otherwise in the public interest. The order was made in relation to concerns that had been referred to the GDC about Mr Alexander's inappropriate conduct towards female members of staff at Portman Dental Care. This included inappropriately touching female members of staff, as well as invading their personal space and sending inappropriate text messages. Other concerns were raised by staff members who witnessed Mr Alexander inappropriately touching female patients when carrying out treatment, as well as making personal and inappropriate comments to them.

This Committee has today comprehensively reviewed the order. In so doing, it took account of the information contained in the bundle, as well as the written submissions made by the GDC. The Committee noted that the GDC's case is still currently at the Council's casework stage and the investigation is ongoing. The Council has obtained an early clinical advice report regarding Mr Alexander's record keeping with respect to one particular patient. The clinical advisor has stated that these notes are "grossly inadequate, but at this stage it is not possible to establish whether there are any other aspects of the patient's notes stored elsewhere.

In addition, the Committee noted that on 11 November 2019, a letter was sent to Mr Alexander notifying him that this case is to now be considered by two Case Examiners. It also offered him a chance to respond to the allegations raised against him.

The GDC submits that there has been no material change since the initial IOC hearing which might necessitate a change in the order. Mr Alexander has not opposed the continuation of the order. The Committee was satisfied that the order remains necessary on the same grounds and for the same reasons as stated by the IOC on 10 June 2019. The Committee further determined that an order of suspension remains the appropriate and proportionate order and that conditions cannot adequately address the risks that have been identified.

#### **Review of the Interim Order:**

Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative meeting within the next six months. The Committee will be invited by the GDC to confirm the order, and Mr Alexander will be asked whether there are any written submissions to be put before the Committee on his behalf. Mr Alexander will then be notified of the outcome in writing following the decision of the Committee.

Alternatively, Mr Alexander is entitled to have the interim order reviewed at a hearing. This means that he will be able to attend and make representations, send a representative on his

behalf or submit written representations about whether the order continues to be necessary. Mr Alexander must inform the GDC if he would like the interim order to be reviewed at a hearing. Even if Mr Alexander does not request a hearing, where there has been a material change of circumstances that might mean that the order should be revoked or replaced, the Committee will review the order at a hearing which Mr Alexander and his representatives will be invited to attend.

That concludes this hearing.