

**Hearing held on the papers****Summary**

<b>Name:</b>	<b>OSMAN, Faroug Abdel Hameed [Registration no: 80195]</b>
<b>Type of case:</b>	<b>Interim Orders Committee (review)</b>
<b>Outcome:</b>	<b>Suspension continued</b>
<b>Duration:</b>	<b>For the remainder of the High Court Extension</b>
<b>Date:</b>	<b>07 January 2020</b>
<b>Case number:</b>	<b>CAS-187236</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.*

---

Neither party was present at today's hearing, following a request by the GDC for the review of the interim order to be conducted on the papers. In the absence of both parties, the Committee first considered the issues of service and whether to proceed with the hearing in the absence of Mr Osman and any representatives. The Committee accepted the advice of the Legal Adviser on these matters.

**Decision on service of the Notification of Hearing**

The Committee considered whether notice of the hearing had been served on Mr Osman in accordance with Rules 35 and 65 of *The General Dental Council (Fitness to Practise) Rules Order of Council 2006* (the Rules). It received a bundle of documents containing a copy of the Notification of Hearing letter, dated 18 December 2019, and a Royal Mail 'Track and Trace' receipt confirming that the letter was sent to Mr Osman's registered address by Special Delivery, and a copy was also sent to him via email.

The Committee was satisfied that the letter contained proper notification of today's review hearing, including its time, date and location, as well as notification that the Committee had the power to proceed with the hearing in Mr Osman's absence. On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Mr Osman in accordance with the Rules.

**Decision on proceeding with the hearing in the absence of Mr Osman and on the papers**

The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Mr Osman and any representative for either party. It approached this issue with the utmost care and caution. The Committee took into account the need to be fair to both parties and it had regard to the public interest in the expeditious review of the interim order in place on Mr Osman's registration.

The Committee had regard to the letter dated 19 December 2019, from Mr Osman's legal representatives. They confirmed receipt of the notice of hearing and that they are content for the IOC review hearing to proceed in Mr Osman's absence. In view of the indication given by both parties, the Committee was satisfied that it was fair and in the public interest to proceed with the hearing in the absence of Mr Osman and any representatives. It was further satisfied that it was appropriate to conduct this review on the papers.

### **Background**

When the IOC first considered Mr Osman's case on 18 March 2018 it determined that it was necessary for the protection of the public and was otherwise in the public interest that Mr Osman's registration be subject to an interim order of suspension for a period of 18 months. This was in relation to concerns about Mr Osman's performance that had been raised by an anonymous complainant in 2015. The complainant also informed the local NHS area team who investigated these matters. The GDC instructed a Clinical Adviser to undertake an advice report following receipt of an NHS record card audit. The Clinical Adviser provided a report dated 23 June 2017 in which he opined that in 8 out of the 19 patients from the audit, the standard of treatment fell far below the level of professional practice reasonably expected.

The GDC received further information dated 15 February 2018 from NHS England, including copies of reports by an NHS England Dental Adviser who had observed Mr Osman's clinical practice on 7 February 2018, a copy of a targeted radiograph audit and copies of case-based discussion. The NHS England Dental Adviser identified a number of basic shortcomings in Mr Osman's practice for each of the patients she had observed, including failing to review medical history prior to treating patients, failing to carry out pre-treatment examinations, poor radiographic practice and issues of cross infection and poor hand hygiene. NHS England advised that there was a lack of progress by Mr Osman since the original concerns were raised to NHS England. At that stage they were considering referring Mr Osman to the Performers List Decision Panel to consider imposing formal performers list conditions or removal from the list.

By email dated 7 March 2018 NHS England advised the GDC that Mr Osman had agreed to resign from the NHS England National Dental Performers List with effect from 7 March 2018 and therefore no further action would be taken. NHS England stated that Mr Osman had indicated to them that he would seek voluntary removal from the GDC's Register.

The IOC in March 2018 considered that the allegations against Mr Osman were serious, encompassing widespread and basic failures in dentistry covering a long period of time. In the IOC's view, there was a real risk of significant harm to patients if Mr Osman were to practise as a dentist without there being some restriction on his registration. It further considers that the public interest was engaged, given the serious nature of the allegations.

The IOC had regard to the serious and widespread nature of the alleged failings and the information from NHS England which indicated that Mr Osman did not appear to show an improvement in his practice, despite being given the opportunity to do so. The IOC noted Mr Osman's wish to cease to practise completely. For these reasons the IOC concluded that interim conditions would not be sufficient or workable. It directed that Mr Osman's registration be suspended for a period of 18 months.

On 26 July 2018 Mr Osman submitted an application for voluntary removal from the GDC's register. This application was refused by the Registrar.

The IOC reviewed the order on 2 October 2018 and 26 March 2019. These reviews were conducted on the papers and in the absence of both parties. On each occasion, the IOC directed that the interim order of suspension be maintained for the remainder of the duration of the order.

On 2 September 2019 the IOC reconvened to review Mr Osman's interim order of suspension. This review was conducted on the papers and in the absence of both parties. The IOC determined that the interim order should continue for the remainder of the 18-month period.

On 8 October 2019 the High Court extended the interim order by a period of 12 months from the date of expiry (22 October 2019). The interim order will now expire on 22 October 2020.

### **Decision on today's review**

This is the fourth review of the interim order imposed on Mr Osman's registration. In comprehensively reviewing the order today, the Committee considered all the information before it. It took into account the written submissions of the GDC and the written submissions provided on Mr Osman's behalf, dated 19 December 2019. The Committee accepted the advice of the Legal Adviser.

In their written submissions, the GDC sought a continuation of the current interim order of suspension on the grounds of public protection and that it is otherwise in the public interest. They submitted that there has been no material change in circumstances since the order was last made at the initial hearing and the review hearings thereafter.

On behalf of Mr Osman, his representatives submitted "*Dr Osman has been retired for over a year and a half. An Application for Voluntary Removal from the Register was made on 26<sup>th</sup> July 2018 but was unfortunately unsuccessful. In light of the above, I confirm that Dr Osman does not wish to engage with the GDC's Fitness to Practise investigation.*"

In reaching its decision, the Committee remained mindful that its task was not to find facts, but to conduct an assessment of risk, based on the information that has been placed before it. In all its considerations, it applied the principle of proportionality, balancing the public interest with Mr Osman's own interests. It had regard to the *Interim orders guidance for decision makers – Interim Orders Committee (October 2016)*.

This Committee is not bound by the decision of the previous Committees. However, the information before it indicates that there has been no material change of circumstance to undermine the ongoing requirement for an interim order on Mr Osman's registration. He still faces outstanding fitness to practise allegations which have yet to be fully considered at the substantive hearing. The nature of the allegations are such that any repetition pending the final resolution of this case could place patients at risk of harm. The Committee considered that a fully informed member of the public would expect an order to remain in place until the conclusion of the matters in this case. In all the circumstances, the Committee has determined that an interim order remains necessary for the protection of the public and is otherwise in the public interest.

The Committee considered an order of interim conditions. The Committee has identified serious risks. It also considered that Mr Osman no longer wishes to practise as a dentist and therefore conditions of practice would not be workable. In these circumstances, the Committee has concluded that interim conditions would not be appropriate or workable. The Committee therefore directs that the interim order of suspension remains necessary.

The Committee repeats the concerns previously expressed at the length of time this case is taking to be dealt with substantively.

### **Review of the order**

Unless there has been a material change of circumstances or the case has been concluded, the Committee will review the interim order before its expiry on the papers at an administrative meeting. In that case the Committee will be invited by the GDC to confirm the order and Mr Osman will be asked whether there are any written submissions to be put before the Committee on his behalf. Mr Osman will then be notified of the outcome in writing following the decision of the Committee.

Alternatively, Mr Osman 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 Osman must inform the GDC if he would like the interim order to be reviewed at a hearing.

Even if Mr Osman does not request a hearing, where it is notified that there has been a material change of circumstances that might mean that the order should be revoked, varied or replaced, the Committee will review the order at a hearing to which Mr Osman and his representative will be invited to attend.

That concludes this determination.