

HEARING HEARD IN PUBLIC
BAPU, Raisha
Registration No: 110944
PROFESSIONAL CONDUCT COMMITTEE
MAY 2015

Outcome: Erasure and immediate suspension

Raisha BAPU, a dental nurse, NVQ L3 Oral Health Care: Dental Nursing & Indp Asses City & Guilds 2006 was summoned to appear before the Professional Conduct Committee on 15 May 2015 for an inquiry into the following charge:

Charge

“That being a registered dental care professional:

1. On 17 April 2014, you were convicted at Preston Magistrates’ Court of the following offences:
 - a. On 22 January 2013 at Preston stole cash, to the value of £109 belonging to Linton Street Dental Practice contrary to section 1(1) and 7 of the Theft Act 1968;
 - b. On 21 May 2013 at Preston stole cash, to the value of £1000 belonging to Linton Street Dental Practice contrary to section 1(1) and 7 of the Theft Act 1968;
 - c. On 28 June 2013 at Preston stole cash, to the value of £500 belonging to Linton Street Dental Practice contrary to section 1(1) and 7 of the Theft Act 1968;
 - d. On 16 July 2013 at Preston stole cash, to the value of £425 belonging to Linton Street Dental Practice contrary to section 1(1) and 7 of the Theft Act 1968;
 - e. On 17 December 2013 at Preston stole cash, to the value of £200 belonging to Linton Street Dental Practice contrary to section 1(1) and 7 of the Theft Act 1968; and
 - f. On 02 January 2014 at Preston stole cash, to the value of £200 belonging to Linton Street Dental Practice contrary to section 1(1) and 7 of the Theft Act 1968.
2. Between 27th February 2014 and 17th April 2014 you did not to inform the General Dental Council that you were subject to criminal proceedings.
3. You did not immediately inform the General Dental Council that on 17 April 2014 you were convicted of offences contrary to section 1(1) and 7 of the Theft Act 1968.
4. Your conduct in relation to 2. and 3. above was dishonest in that you knew you were under a duty to inform the GDC of the criminal proceedings and/or conviction but did not do so.

And your fitness to practise is impaired by reason of:

- conviction; and/or
- misconduct.”

Ms Bapu was not present and was not represented. On 15 May 2015 the Chairman announced the findings of fact to the Counsel for the GDC:

“Mr Coke-Smyth

The Committee has taken into account all the evidence presented to it. It has accepted the advice of the Legal Adviser. In accordance with that advice it has considered each head of charge separately.

Ms Bapu was neither present nor was she represented at today’s hearing. The Committee was satisfied, by reference to the documents presented, that service had been effected in accordance with the rules. The Committee had sight of a telephone attendance note dated 5 May 2015 which records a conversation between a GDC member of staff and Ms Bapu. The note indicates that Ms Bapu was aware of these proceedings and expressed her intention not to attend or make any representations. In these circumstances, the Committee was satisfied that Ms Bapu has voluntarily absented herself from these proceedings. The Committee determined, having regard to the public interest in the expeditious disposal of regulatory proceedings, that it is appropriate to proceed in Ms Bapu’s absence today. It considered that nothing would be achieved by adjourning matters.

The Committee considered it in the interests of justice to admit the witness statements you produced.

The Committee notes that Ms Bapu does not contest any of the allegations before it.

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

1.a	Proved by reference to the certificate of conviction.
1.b	Proved by reference to the certificate of conviction.
1.c	Proved by reference to the certificate of conviction.
1.d	Proved by reference to the certificate of conviction.
1.e	Proved by reference to the certificate of conviction.
1.f	Proved by reference to the certificate of conviction.
2.	Proved.
3.	Proved.
4.	Proved. The Committee accepts that Ms Bapu knew she was under an obligation to inform the GDC of her convictions and, in failing to do so, she knew she was being dishonest as she was misleading her regulatory body about her probity.

We move to Stage Two.”

On 15 May 2015 the Chairman announced the determination as follows:

“Mr Coke-Smyth

The Committee has considered all the information before it, including the submissions you have made on behalf of the General Dental Council (GDC). It has accepted the advice of the Legal Adviser. It has had regard to the Guidance for the Professional Conduct Committee, including Indicative Sanctions Guidance (April 2015).

The Committee has found facts proved relating to Ms Bapu's time as a registered dental nurse and receptionist at the Linton Street Dental Practice ("the practice") in Preston where she worked between 2007 and January 2014. Ms Bapu was convicted of six offences of theft at Preston Magistrate's Court on 17 April 2014. The thefts took place between 22 January 2013 and 2 January 2014 and the amounts ranged from £109 to £1000. These were thefts of money paid to the practice by patients. The method Ms Bapu used to steal the money was to record cash payments as card transactions and keep the cash for her own use. Following an investigation, Ms Bapu confessed to the police that she had stolen the cash payments, stating that she did not know why she did it.

The Committee also found that between 18 March 2014 and 17 April 2014 Ms Bapu did not inform the GDC that she was subject to criminal proceedings and that she did not immediately inform the GDC that she had been convicted of the thefts. The Committee found this behaviour to be dishonest in that she knew she was under a duty to inform the GDC of the proceedings and conviction, but she did not do so.

The Committee considered that Ms Bapu's behaviour was contrary to the following paragraphs of Standards for the Dental Team.

Standard 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.

Standard 9.3

You must inform the GDC if you are subject to criminal proceedings or a regulatory finding is made against you, anywhere in the world.

The Committee was of the view that Ms Bapu's dishonest behaviour in failing to inform the GDC of the proceedings and convictions clearly amounted to misconduct. It is essential that the GDC is accurately informed about any criminality by registrants in order to maintain patient safety. Ms Bapu's dishonest conduct therefore breached a fundamental tenet of the profession.

The Committee went on to consider whether Ms Bapu's fitness to practise is impaired by reason of her misconduct and her conviction.

In relation to the misconduct, the Committee did not consider that Ms Bapu's dishonesty is remediable as it related directly to her status as a professional and jeopardised patient safety. In any event, Ms Bapu has not demonstrated any remorse and insight and has not engaged in any way to explain why she acted in the way that she did. In the circumstances, the Committee could not be assured that her behaviour would not be repeated.

In relation to the conviction, the Committee considered that this too was unable to be remedied. The offences relate directly to Ms Bapu's practice as a nurse and undermine the trust which is fundamental to the relationship between patients and a dental nurse. The Committee notes that the police and practice owner had to make contact with patients as part of the investigation into the thefts. They were thereby made aware of the fact that Ms Bapu had taken their payments for her own use and the Committee considers that this was likely to have damaged their trust in the practice. Furthermore, the Committee notes that Ms Bapu's theft was protracted, spanning the period of a year, and it cannot be described as an isolated event. There was also a degree of sophistication to the manner in which Ms Bapu carried out the deception and some forethought had obviously gone into it. Again, in any

event, Ms Bapu has failed to demonstrate any insight into or remorse for her conviction and the Committee has no confidence that it will not be repeated.

The Committee considered that public confidence in the profession would be undermined if a finding of impairment was not made in this case. The Committee notes that there has been press coverage of this case and it is of the view that a finding of impairment is necessary to declare and uphold standards within the profession.

For all these reasons, the Committee has determined that Ms Bapu's fitness to practise is impaired by reason of both her conviction and misconduct.

The Committee next considered what sanction, if any, it is appropriate to impose. In doing so, it had regard to the principle of proportionality, balancing Ms Bapu's interests with the public interest.

The Committee considered that to conclude the case at this stage, with or without a reprimand, would be wholly insufficient in view of its findings and would represent a grave failure to protect the public.

The Committee considered that conditions would not be workable as Ms Bapu has failed to engage in any meaningful way with the GDC and it considered that they would be inappropriate, in light of the nature of the impairment, which is related to Ms Bapu's dishonesty. In any event, the Committee considered that conditions would be insufficient to mark the gravity of the impairment.

Finally, the Committee considered whether a period of suspension would be sufficient. The Committee noted the comments of the guidance in relation to dishonesty:

"Patients, employers, colleagues and the public should be able to rely on a dental professional's integrity. Dishonesty, particularly when associated with professional practice, is highly damaging to the dental professional's fitness to practise and to public confidence in the profession.

Dishonesty is serious even when it does not involve direct harm to patients (for example defrauding the NHS or providing misleading information) because it can undermine public confidence in the profession. The Privy Council has emphasised that "Health Authorities must be able to place complete reliance on the integrity of practitioners and the Committee is entitled to regard conduct which undermines that confidence as calculated to reflect on the standards and reputation of the profession as a whole".

Ms Bapu's dishonesty related directly to her practice as a dental nurse. She risked creating a situation where patients could have been accused of not paying for their treatment and thereby put them at risk. She also put the wider public in danger by her dishonest failure to keep the GDC informed of the actions that were being taken against her. Ms Bapu breached a fundamental tenet of the profession and her behaviour struck at the heart of the patient/practitioner relationship. Ms Bapu has demonstrated no insight into this and has given the Committee no assurance that she would not repeat her behaviour.

The Committee noted the comments of Mr Justice Mitng in *Parkinson v NMC*:

"A nurse found to have acted dishonestly is always going to be at severe risk of having his or her name erased from the register. A nurse who has acted dishonestly, who does not appear before the Panel either personally or by solicitors or counsel to demonstrate remorse, a realisation that the conduct criticised was dishonest, and an

undertaking that there will be no repetition, effectively forfeits the small chance of persuading the Panel to adopt a lenient or merciful outcome and to suspend for a period rather than direct erasure.”

In all the circumstances, the Committee determined that a period of suspension would be insufficient and the only proportionate sanction is one of erasure.

The interim order applying to Ms Bapu’s registration is hereby revoked.

The Committee invites your submissions as to whether an immediate order for suspension is necessary in this case.”

“Mr Coke-Smyth

The Committee has considered your submissions and has accepted the advice of the Legal Adviser. The Committee has determined that, in light of the seriousness of its findings and the fact that Ms Bapu constitutes an on-going risk to the public, an immediate order is necessary for the protection of the public and is otherwise in the public interest.

The effect of the foregoing direction and order is that Ms Bapu’s registration is suspended from when notice of this decision is deemed served upon her and, unless she exercises her right of appeal, her name will be erased from the Dental Care Professionals register after 28 days have elapsed.

That concludes the case.”