

**HEARING HEARD IN PUBLIC**

**HUGHES, Trevor**

**Registration No: 142883**

**PROFESSIONAL CONDUCT COMMITTEE**

**NOVEMBER 2018 – NOVEMBER 2019**

**Most recent outcome: Suspension extended for 12 months (with a review)\***

\*See page 9 for the latest determination

Trevor HUGHES, a dental technician, Verified experience in Dental Technology was summoned to appear before the Professional Conduct Committee on 23 November 2018 for an inquiry into the following charge:

**Charge (as amended)**

“That being a registered Dental Care Professional:

1. On 19 December 2014 you were convicted in the County Court Division of Londonderry of driving a mechanically propelled vehicle on a road in contravention of Article 15(1) of the Road Traffic (Northern Ireland) Order 1995, without reasonable excuse failed to provide a specimen of breath when required to do so in pursuance of Article 18 of the said Order, contrary to Article 18(7) of the Road Traffic (Northern Ireland) Order 1995.
2. You stole a bottle of alcohol to the value of £23.99 or thereabouts belonging to Person A (identified in Schedule 1), contrary to Section 1 of the Theft Act (Northern Ireland) 1969.
3. You unlawfully assaulted Person A, contrary to section 42 of the Offences Against the Person Act 1861.
4. You failed to immediately inform the General Dental Council of the conviction and/or conditional discharges you received in the County Court Division in Londonderry on 19 December 2014.
5. Your conduct at charge 4 was:
  - a. Misleading; and
  - b. Dishonest, in that you knew that you were required to immediately notify the General Dental Council of your conviction and/or conditional discharges.

AND by in relation to the facts alleged, your fitness to practise is impaired by reason of your conviction and/or misconduct. “

On 23 November 2018 he Chairman made the following statement regarding the finding of facts:

“Mr Hughes is not present at this hearing of the Professional Conduct Committee (PCC) and is not represented in his absence. Mr Tom Middleton of the GDC’s Legal Team appears for the General Dental Council (GDC).

**Service of notice**

On behalf of the GDC Mr Middleton submitted that service of notice of this hearing has been properly effected in accordance with Rules 13 and 65 of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). On 11 October 2018 a notice of hearing was sent to the address that Mr Hughes has registered with the GDC, setting out the date, time and location of this hearing. The notice was sent using the Royal Mail's Special Delivery service. The Royal Mail's Track and Trace service records that the notice was delivered on the morning of the following day, namely 12 October 2018, and was signed for by a 'T Hughes'. A copy of the notice was also sent to Mr Hughes by email.

The Committee accepted the advice of the Legal Adviser. The Committee was satisfied that service had been properly effected in accordance with the Rules.

**Proceeding in absence**

The Committee then went on to consider whether to exercise its discretion to proceed in the absence of Mr Hughes in accordance with Rule 54 of the Rules. Mr Middleton invited the Committee to do so on the basis that the GDC had made all reasonable efforts to notify Mr Hughes of this hearing, that he appears to have decided not to participate in these proceedings, and that it is in the public interest to proceed.

The Committee accepted the advice provided by the Legal Adviser. The Committee was mindful that its discretion to conduct a hearing in the absence of a registrant should be exercised with the utmost care and caution. After careful consideration the Committee was satisfied that it would be fair and appropriate to proceed in Mr Hughes' absence. The Committee considers that all reasonable efforts have been made to inform Mr Hughes of this hearing and that he appears to have voluntarily absented himself. The Committee has no information to suggest that an adjournment would secure Mr Hughes' attendance in circumstances where he appears to have disengaged. The Committee is also mindful of the public interest in proceeding with this hearing. The Committee therefore determined to proceed in the absence of Mr Hughes.

**Preliminary matters**

At the start of the hearing Mr Middleton applied to amend heads of charge 4 and 5 (b) in accordance with Rule 18 of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). Mr Middleton invited the Committee to consider amending those heads of charge to reflect the position that the matters alleged at heads of charge 2 and 3 relate to conditional discharges rather than convictions, and that the amendments sought would bring greater clarity and accuracy to the charges. The Committee accepted the advice of the Legal Adviser and was content to accede to the application. 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 Hughes' conviction for a criminal offence, and his conditional discharge for two other offences.

On 19 December 2014 Mr Hughes appeared before Londonderry Magistrates' Court and was convicted of an offence of failing to provide a sample of his breath after being stopped on suspicion of drink driving. He was further conditionally discharged in respect of an offence of theft and an offence of unlawful assault.

The circumstances of the incidents giving rise to the offences were reported by the Police Service of Northern Ireland (PSNI) as follows. It is understood that in the early hours of 11 August 2014 Mr Hughes stole a bottle of whisky to the value of £23.99 from licensed premises in Londonderry, and assaulted a member of staff, referred to for the purposes of these proceedings as Person A, before leaving the premises in his car. Staff observed Mr Hughes to be drunk and verbally abusive. Around one hour later police received a report of a drunk male who had run out of fuel. Police attended and found a bottle of whisky near to Mr Hughes' car. Police then attended at Mr Hughes' home and established that his wife had collected him from his car. As set out above Mr Hughes appeared before Londonderry Magistrates' Court and pleaded guilty to each of the offences. He was convicted of the offence of failing to provide a sample of his breath and was conditionally discharged in respect of the offences of theft and assault.

The Council also alleges that Mr Hughes failed immediately to inform the GDC of the conviction and conditional discharges set out above, and that such conduct was misleading and dishonest.

**Evidence**

The Committee has been provided with documentary material in relation to the allegations that Mr Hughes faces, namely certified copies of the Certificates of Conviction relating to his appearance before Londonderry Magistrates' Court; Mr Hughes' previous responses to the allegations submitted at the Case Examiners stage of the Council's proceedings; correspondence and reports concerning the offences from the PSNI, including a summary of an interview under caution of 11 August 2014; a medical report relating to an assessment of Mr Hughes arranged by the Council; and the witness statement and documentary exhibits of the GDC lawyer with conduct of the Council's investigation.

**Committee's findings of fact**

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

The Committee has accepted the advice of the Legal Adviser. The Committee is mindful that the burden of proof lies with the GDC, and 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 in respect of its findings at heads of charge 2 and 3 its findings will be announced together.

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

1.	Proved
	The Committee finds the facts alleged at head of charge 1 proved. The Committee had regard to Rule 57 (5) of the Rules and determined that the certified copy of the Certificate of Conviction placed before it provides conclusive proof of both the fact of conviction, and also proves the facts of the offence 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 employed by this Committee. The Committee accepted that it cannot go behind the facts on which that conviction was made. The Committee also

	notes that in his earlier written response to the Case Examiners Mr Hughes admitted that he was convicted as alleged. The Committee is therefore satisfied that the facts alleged at head of charge 1 have been properly made out to the required standard, and accordingly it finds those facts proved.
2.	Proved
3.	Proved
	The Committee finds the facts alleged at heads of charge 2 and 3 proved. The Committee notes that the facts alleged are not pleaded as criminal convictions given that Mr Hughes was instead conditionally discharged in respect of both offences. As such, whilst the Certificate of Conviction referred to above does not provide conclusive proof of the offences giving rise to the conditional discharges, the Committee has given considerable weight to that certificate. The Committee has also taken into account the information provided by the PSNI, including witness statements, case summaries and a summary of taped interview. The Committee has also had regard to the guilty pleas that Mr Hughes entered when he appeared at court. The Committee finds the facts alleged at heads of charge 2 and 3 proved on this evidential basis.
4.	Proved
	The Committee finds the facts alleged at head of charge 4 proved. The Committee notes from the witness statement of the lawyer with conduct of the Council's investigation that Mr Hughes did not inform the GDC of his criminal convictions and conditional discharges, and that the GDC only became aware of the fact of these matters some nine months after his court appearance when PSNI informed the GDC. The Committee notes from his previous response at the Case Examiner stage that Mr Hughes admitted that he did not so inform the GDC. The Committee has also had regard to standard 9.3 of the GDC's <i>Standards for the Dental Team</i> (September 2013), which sets out the requirement that dental professionals must inform the Council if they are subject to criminal proceedings. Standard 9.3.1 further specifies that they must do so immediately. The Committee finds that, as Mr Hughes did not inform the GDC of these matters, he failed in his duty to do so. The Committee therefore finds the facts alleged at head of charge 4 proved.
5. (a)	Proved
	The Committee finds the facts alleged at head of charge 5 (a) proved. The Committee considers that, by not disclosing the fact that he had been convicted and conditionally discharged as set out above, Mr Hughes' actions had the effect of misleading the GDC into believing that he had not been convicted and conditionally discharged. The Committee finds the facts alleged at this head of charge proved on this basis.
5. (b)	Proved
	The Committee finds the facts alleged at head of charge 5 (b) proved. In approaching this head of charge the Committee applied the test set out in

*Ivey v Genting Casinos (UK) Ltd. t/a Crockfords* [2017] UKSC 67. The test is that the Committee must decide subjectively the actual state of Mr Hughes' knowledge or belief as to the facts, and must then apply the objective standards of ordinary and decent people to determine whether his conduct is dishonest by those standards.

The Committee notes from the medical report referred to above that Mr Hughes stated during the assessment that he was aware that he was obliged to inform the GDC of his conviction, but did not do so. The Committee considers that this demonstrates the actual state of Mr Hughes' knowledge and belief. Furthermore, any registrant would be expected to be aware of this obligation. The Committee also considers that, when applying the objective standards of ordinary and decent people, Mr Hughes' failure to declare his criminal conviction and conditional discharges would be regarded as being dishonest against those standards. The Committee therefore finds the facts alleged at head of charge 5 (b) proved.

We move to stage two.”

On 23 November 2018, the Chairman announced the determination as follows:

**“Proceedings at stage two**

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

In its deliberations the Committee has had regard to the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2016). The Committee has accepted the advice of the Legal Adviser.

**Fitness to practise history**

Mr Middleton addressed the Committee in accordance with Rule 20 (1) (a) of the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). He confirmed that Mr Hughes has no other fitness to practise history with the GDC.

**Submissions**

On behalf of the GDC Mr Middleton invited the Committee to determine that the facts that it has found proved at heads of charge 2, 3, 4, 5 (a) and 5 (b) constitute misconduct. He further invited the Committee to find that Mr Hughes' misconduct and criminal conviction mean that Mr Hughes' fitness to practise is impaired, with particular regard to the wider public interest. Mr Middleton submitted that, if the Committee were to find Mr Hughes' fitness to practise to be currently impaired by reason of misconduct, or his criminal conviction, or both, then a period of suspended registration for 12 months would represent an appropriate disposal of the case.

**Misconduct**

The Committee first considered whether the facts that it has found proved at heads of charge 2, 3, 4, 5 (a) and 5 (b) constitute misconduct. In considering this matter, the Committee has exercised its own independent judgement. In its deliberations the Committee has had regard to the following paragraphs of the GDC's *Standards for the Dental Team*

(September 2013) in place at the time of the incidents giving rise to the facts that it has found proved at those heads of charge. These paragraphs state that as a dental care professional you must:

- 1.3 Be honest and act with integrity.
- 1.3.2 [...] make sure you do not bring the profession into disrepute.
- 9 Make sure your personal behaviour maintains patients' confidence in you and the dental profession.
- 9.1 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.
- 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.
- 9.3.1 You must inform the GDC immediately if you are subject to any criminal proceedings anywhere in the world. See our guidance on reporting criminal proceedings for more information.

In light of the findings of fact that it has made, the Committee has concluded that Mr Hughes' conduct fell far short of the standards reasonably expected of a dental care professional, and that these matters represent serious departures from acceptable standards of conduct and behaviour. The Committee has found that Mr Hughes was convicted of an offence of failing to provide a sample of his breath to the police, and was conditionally discharged in respect of offences of theft and assault. Mr Hughes then failed to inform the GDC of the same matters. The Committee has found that this omission was misleading and dishonest.

The Committee considers that this conduct would be considered by Mr Hughes' fellow practitioners to be deplorable, and that his conviction, conditional discharges and dishonesty are of a nature that is likely to have brought the standing and reputation of the profession into disrepute. Such matters are also likely to have undermined the trust and confidence that the public places in the dental profession and in the GDC as its regulator. The Committee finds that Mr Hughes' conditional discharges and associated dishonest conduct represent a serious departure from a fundamental tenet of the profession, namely the need to act in an honest and trustworthy manner. The Committee accordingly finds that the facts that it has found proved at heads of charge 2, 3, 4, 5 (a) and 5 (b) amount to misconduct.

### **Impairment**

The Committee then went on to consider whether Mr Hughes' fitness to practise is currently impaired by reason of his conviction and misconduct. In doing so, the Committee has again exercised its independent judgement. Throughout its deliberations, it has borne in mind that its overarching objective is to protect the public, which includes the protection of patients and the wider public, the maintenance of public confidence in the profession and in the regulatory process, and the declaring and upholding of proper standards of conduct and behaviour.

The Committee considers that Mr Hughes' fitness to practise is currently impaired by reason of his criminal conviction as set out at head of charge 1. Mr Hughes was convicted of a serious offence, namely a failure to provide a sample of his breath to the police when required to do so. The serious nature of this offence is highly damaging to Mr Hughes' fitness to practise. In the Committee's judgement the conviction requires a finding of impairment in order to declare and uphold proper professional standards of conduct and behaviour and maintain public trust and confidence in the profession.

The Committee also finds that Mr Hughes' fitness to practise is currently impaired by reason of the misconduct that it has found at heads of charge 2, 3, 4, 5 (a) and 5 (b). The criminal offences for which Mr Hughes was conditionally discharged are serious, involving as they do acts of violence and theft. Such offences represent serious departures from acceptable standards of conduct and behaviour and risk undermining the reputation and status of the profession and the public's trust and confidence in the dental team. The seriousness of the offences was compounded by Mr Hughes' dishonest failure to inform the GDC of the criminal proceedings. These matters are damaging to Mr Hughes' fitness to practise, and there is little evidence presented by Mr Hughes to suggest that he has developed any insight into or remediation of these matters. Although Mr Hughes has expressed some contrition for the events culminating in his court appearance, and whilst he entered guilty pleas at that time, the Committee has weighed this against the absence of any information to suggest that he understands the seriousness of these matters and the effect that they have on the standing of the profession and his privileged position within it. Indeed, the little information that Mr Hughes put forward at an earlier stage suggests that his regret and remorse is focussed on his own circumstances and the implications that they may have on his business. Mr Hughes also sought to deny that he committed the offence of theft in responding to the allegations at an earlier stage in the Council's investigation. This lack of insight and remediation means that the Committee cannot say that such conduct is highly unlikely to be repeated.

The Committee finds that a finding of impairment is required in order to declare and uphold proper standards of conduct and behaviour, and to maintain trust and confidence in the profession and in the regulatory process. Mr Hughes' conduct, and in particular his dishonesty, has breached fundamental tenets of the profession. In the Committee's judgement public trust and confidence in the profession, and in the regulator, would be seriously undermined if a finding of impairment were not made in the particular circumstances of this case.

The Committee therefore concludes that Mr Hughes' fitness to practise is currently impaired by reason of his criminal conviction and his misconduct.

### **Sanction**

The Committee then determined what sanction, if any, would be appropriate in light of the findings of facts, misconduct and impairment that it has made. The Committee recognises that the purpose of a sanction is not to be punitive, although it may have that effect, but is instead imposed in order to protect patients and safeguard the wider public interest referred to above.

In reaching its decision the Committee has again taken into account the GDC's *Guidance for the Practice Committees* referred to above. The Committee has applied the principle of proportionality, balancing the public interest with Mr Hughes' own interests.

The Committee has had regard to the mitigating and aggravating factors in this case. In terms of mitigation, the Committee notes that Mr Hughes is of previous good character and that there is no suggestion of any repeat of the matters giving rise to these proceedings. Mr Hughes entered guilty pleas in respect of each of the criminal offences, and the Committee notes that those offences were committed during the course of the early hours of the same morning. In terms of aggravating factors, the Committee has found that Mr Hughes acted in a dishonest manner and that there was an element of premeditated misconduct in his failure to inform the GDC of the criminal proceedings. Mr Hughes' failure to inform the GDC of

those criminal proceedings suggest a blatant and wilful disregard for the systems regulating the profession.

The Committee has considered the range of sanctions available to it, starting with the least serious. In the light of its findings of facts, misconduct and impairment, the Committee has determined that it would not be appropriate to conclude this case with no action or with a reprimand. The serious nature of the conviction and misconduct means that taking no action, or issuing a reprimand, would be insufficient, particularly in relation to the need to maintain public confidence and trust in the profession and in the regulatory process, and to declare and uphold proper standards of conduct and behaviour.

The Committee next considered whether a period of conditional registration would be appropriate. The Committee considers that, even if conditions could meet the public interest considerations engaged by this case, conditions could not properly be formulated to deal with the attitudinal deficiencies identified in relation to Mr Hughes' dishonesty. In any event, the Committee considers that a period of conditional registration would not sufficiently declare and uphold proper professional standards and maintain trust and confidence in the profession.

After careful consideration, the Committee has determined that it would be appropriate and proportionate to direct that Mr Hughes' registration be suspended for a period of 12 months, with a review hearing to take place prior to the expiry of the suspension. The Committee considers that Mr Hughes' lack of insight and remediation, and the serious nature of his conduct, means that any lesser sanction and period of time would not secure the necessary protections for the public's confidence and trust in the profession, and would be insufficient to declare and uphold proper standards of conduct and behaviour.

Having decided that a period of suspended registration is the appropriate and proportionate sanction to impose, the Committee determined that the higher, and ultimate, sanction of erasure would be disproportionate. The Committee considered that, whilst serious, Mr Hughes' dishonest conduct does not connote a harmful professional or attitudinal personality problem which might make erasure the appropriate sanction, and that a period of suspended registration can adequately meet the public interest considerations that are so prominent in this case.

Although this Committee in no way wishes to bind or fetter the Committee which will review Mr Hughes' suspension approximately 12 months hence, that Committee may be assisted by being provided with evidence of him having reflected upon and demonstrated insight into the matters that have led to the Committee's findings as set out above."

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**Immediate order**

"Having directed that Mr Hughes' name be suspended from the register, the Committee has considered whether to impose an order for his immediate suspension in accordance with section 36U (1) of the Dentists Act 1984 (as amended).

The Committee considered the submissions made by Mr Middleton on behalf of the GDC. Mr Middleton submitted that an immediate order is otherwise in the public interest. The Committee has accepted the advice of the Legal Adviser.

In the circumstances, the Committee has determined that an immediate order is otherwise in the public interest. The Committee has decided that, given its findings, and in particular the

attitudinal deficiencies highlighted in the determination, it would not be appropriate to allow Mr Hughes to practice until the substantive direction of suspension takes effect. The Committee considers that an immediate order for suspension is proportionate, and is consistent with the findings that it has set out in its determination.

The effect of the foregoing determination and this immediate order is that Mr Hughes' 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, the substantive direction of suspension will be recorded in the Dental Care Professionals' Register 28 days from the date of deemed service. Should he so decide to exercise his right of appeal, this immediate order of suspension will remain in place until the resolution of any appeal.

That concludes this case.”

At a review hearing on 26 November 2019 the Chairman announced the determination as follows:

“This is a resumed hearing pursuant to Section 36Q of the Dentists Act 1984, as amended ('the Act'). Mr Hughes is neither present nor represented. Mr Ahmed appears on behalf of the General Dental Council (GDC).

### **Preliminary Matters**

#### Decision on service of the Notification of Hearing

The Committee first considered whether Mr Hughes had been sent notification of the hearing in accordance with Rules 28 and 65 of the Rules. The Committee saw a copy of the Notification of Hearing, which was dated 15 October 2018, although it was clarified to Mr Hughes by the GDC that this was a typographical error and the date should have been written as 15 October 2019. The Committee accepted this. The Notification of Hearing was sent by Special Delivery. 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 Mr Hughes's absence. The Committee also had before it a copy of a Royal Mail track and trace document which showed that the notice of hearing letter was delivered on 16 October 2019 and signed for by Mr Hughes. The notice of hearing was also sent via email to Mr Hughes on 15 October 2019. The Committee was satisfied that the notification of hearing had been served in accordance with the Rules.

#### Decision on proceeding in the Registrant's absence

The Committee then considered whether to proceed to review this case in the absence of Mr Hughes. The Committee bore in mind that its discretion to proceed with a hearing in the absence of a respondent should be exercised with the utmost care and caution. In making its decision the Committee took account of the principles set out in *R v Hayward* and *R v Jones, GMC v Adeogba & Visvardis [2016] EWCA Civ 162*. The Committee accepted the advice of the Legal Adviser.

In considering whether to proceed with this hearing, the Committee noted that the letter from Mr Hughes' solicitor, Mr Quigley, dated 8 November 2019, stated that neither they nor Mr Hughes were able to attend the hearing. The letter goes on to state that if “there remains a live issue of the suspension continuing”, they will instruct Counsel to attend a hearing at any later date. The Committee noted the GDC's email dated 12 November 2019 in response to that letter, stating that the GDC would be submitting that the current order of suspension

should be extended and their further email on the same date asking Mr Hughes's solicitor whether they would be intending to submit an application for an adjournment. Mr Quigley's firm responded by email on 13 November 2019 stating that they will contact their client and revert as soon as possible. A chasing email was sent by the GDC on 25 November 2019 to the solicitors but no response was received.

The Committee was of the view that there is a public interest in conducting this review today. A review is required in order to ensure the public interest remains protected given the nature of the matters under consideration. It bore in mind the obligations on professionals subject to a regulatory regime to engage with their regulator. The engagement has been limited.

For all these reasons the Committee therefore determined that it was in the interests of justice to proceed with the review hearing in Mr Hughes's absence. It was not persuaded in all the circumstances to adjourn the hearing today.

### **Background**

Mr Hughes' case was first considered by a PCC at a hearing in November 2018. At that hearing the Committee found proved that Mr Hughes was convicted in December 2014 of an offence of failing to provide a sample of breath, after he was stopped on suspicion of drink driving. The Committee also found proved that he was conditionally discharged in respect of an offence of theft and an offence of unlawful assault. Furthermore, the Committee found proved that he did not immediately inform the GDC of his conviction and conditional discharges and, as a result, his actions were misleading and dishonest.

The previous Committee determined that the facts found proved against Mr Hughes amounted to misconduct and that his fitness to practise was impaired by reason of his conviction and misconduct. It determined to suspend his registration for a period of 12 months with an immediate order. The Committee directed a review of Mr Hughes's case prior to the expiry of the suspension.

### **Submissions**

Mr Ahmed informed the Committee that since the substantive hearing the GDC had not heard directly from Mr Hughes, apart from a telephone call he made to the GDC on 2 January 2019. Notwithstanding, Mr Ahmed submitted Mr Hughes has failed to provide evidence of insight and remediation and therefore there has been no material change in the circumstances of the case.

Mr Ahmed told the Committee that Mr Hughes's fitness to practise remains impaired and that the order of suspension should be extended for 12 months with a review hearing.

### **Today's Review**

This Committee has comprehensively reviewed Mr Hughes's case today. In doing so, it has considered all the evidence presented to it. It has taken account of the submissions made by Mr Ahmed on behalf of the GDC, and has accepted the advice of the Legal Adviser.

### **Decision on impairment**

In reaching its decision on whether Mr Hughes's fitness to practise remains impaired, 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 had sight of the letter dated 8 November 2019 from Mr Hughes's solicitors. However, they found this to be unhelpful and unclear as there was no supporting information or evidence provided to show that Mr Hughes has reflected upon and shown insight into the matters found proved at the substantive hearing. It also reviewed the reference dated 1 November 2019 that was submitted in support of Mr Hughes, but it noted that there was no indication that the writer was aware of the findings of the previous Committee.

The Committee concluded that there had been no material change in the circumstances of this case. There was a lack of evidence from Mr Hughes to demonstrate that he has shown insight or that he has remediated his conduct, despite the recommendations of the previous Committee. It noted that Mr Hughes has not fully engaged with the GDC and that there has been no direct contact with the GDC, apart from a telephone call on 2 January 2019, and despite a chaser email sent to him in August 2019 by the GDC. The absence of evidence to show that Mr Hughes has insight and has remediated means that the Committee cannot say that such conduct is highly unlikely to be repeated.

The Committee was satisfied that a finding of impairment is required in order to declare and uphold proper standards of conduct and behaviour, and to maintain trust and confidence in the profession and in the regulatory process. In the Committee's judgement public trust and confidence in the profession, and in the regulator, would be seriously undermined if a finding of impairment were not made in the particular circumstances of this case. The Committee therefore determined that Mr Hughes's fitness to practise remains impaired.

### **Decision on sanction**

The Committee next considered what sanction, if any, should be imposed on Mr Hughes's registration. It bore in mind the need to protect patients and the public interest. The Committee once again had regard to the principle of proportionality, weighing the interests of the public with Mr Hughes's own interests.

The Committee was satisfied that taking no action and allowing the current suspension to expire would not protect the public interest. The Committee was also satisfied that the imposition of conditions would not be workable as there was insufficient information to indicate that conditions could address the public interest considerations and the attitudinal deficiencies in this case. The Committee therefore determined that a further suspension was appropriate and proportionate. In the circumstances that suspension needs to be for a further 12 months with a review before the expiry.

The Committee strongly advises Mr Hughes to attend or participate in any future review hearing and show evidence that he has reflected upon and demonstrated insight into the matters that have led to the Committee's findings as set out above.

That concludes this hearing."