

**HEARING HEARD IN PUBLIC**  
**MAUND (Nee HUNT), Victoria Louise**  
**Registration No: 157709**  
**PROFESSIONAL CONDUCT COMMITTEE**  
**APRIL 2017**

**Outcome: Erased with Immediate Suspension**

Victoria Louise MAUND (Nee HUNT), a dental nurse, Verified competency in Dental Nursing, was summoned to appear before the Professional Conduct Committee on 10 April 2017 for an inquiry into the following charge:

**Charge**

“That being registered as a dental care professional:

1. On 25 May 2011 you were convicted by South East Staffordshire Magistrates in relation to making false representations to make gains for yourself or another or cause loss to another or expose others to risk.
2. On 26 July 2004 you were convicted by South East Staffordshire Magistrates in relation to:
  - a. forging a document other than a prescription for a scheduled drug contrary to Section 1 of the Forgery and Counterfeiting Act 1981;
  - b. using a false instrument for something other than a prescription for a scheduled drug contrary to the Forgery and Counterfeiting Act 1981;
  - c. obtaining a money transfer by deception contrary to the Section 15A(1) Theft Act 1968.
3. On 10 July 2008, you signed the application form for registration with the General Dental Council (the Council) and ticked the box “No” in response to the question: “Have you been convicted of a criminal offence and/or cautioned and/or are you currently subject to any police investigations which might lead to a conviction or a caution in the UK or any other country?”
4. Your conduct in relation to allegation 3 above was;
  - a. Misleading, in that the information provided was false;
  - b. Dishonest, in that you knew that the information provided was false and you knew that you were required to provide the correct information.
5. Between 19 April 2009 and 31st January 2010:
  - a. you were registered with the Council; and
  - b. you failed to hold adequate indemnity insurance.

And that, in consequence of the matters set out above, your fitness to practise is impaired by reason of:

- a) conviction in relation to heads of charge 1 and 2; and/or,
- b) misconduct in relation to heads of charge 3, 4 and 5.”

On 10 April 2017 the Chairman made the following statement regarding the finding of facts:

“Mrs Maund (Nee Hunt),

The Committee has taken into account all the evidence presented to it and the submissions made by Mr Thomas. It has accepted the advice of the Legal Adviser.

**Witness statements**

After his opening submissions, Mr Thomas applied to have the witness statements of MS and MSh entered into evidence. You made no objection. The Committee accepted the statements into evidence.

**Findings of fact**

This case concerns allegations that:

- You received a conviction on 25 May 2011 for making false representations;
- You received a conviction on 26 July 2004 for forging a document, using a false instrument and obtaining a money transfer by deception;
- You ticked ‘no’ in response to a question asking about criminal convictions or cautions, on your application form for registration with the GDC;
- In ticking ‘no’ on the form, your conduct was misleading and dishonest;
- Between 19 April 2009 and 31 January 2010 you failed to hold adequate indemnity insurance.

You made full admissions as to the facts of the heads of charge with the exception of the allegations of dishonesty and failing to hold adequate insurance, where your admissions were partial.

The Committee heard oral evidence from you via telephone. Overall, the Committee found your evidence helpful. It noted, however, that your responses at times seemed evasive and your answers were not always consistent. For example, you told the Committee that you do not recall completing your application form for registration with the GDC, but also stated that you did not have your conviction in mind when completing it.

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

1.	Admitted and proved.  The Committee saw a copy of the certificate of conviction setting out the details of the offence.
2. a.	Admitted and proved.  The Committee saw a copy of the certificate of conviction setting out the details of the offence.
2. b.	Admitted and proved.

	The Committee saw a copy of the certificate of conviction setting out the details of the offence.
2. c.	Admitted and proved.  The Committee saw a copy of the certificate of conviction setting out the details of the offence.
3.	Admitted and proved.  The Committee saw a copy of the registration form that was completed by you.
4. a.	Admitted and proved.  You ticked 'no' in response to a question enquiring as to any convictions or cautions, on your application form for registration with the GDC. This incorrect information provided by you would serve to mislead anyone reading the form.
4. b.	Proved  When questioned by Mr Thomas, you acknowledged that at the time, ticking 'yes' in response to the question about convictions and cautions would have been the correct answer. But you ticked 'no'. You acknowledged that you gained an advantage by ticking no. You also acknowledged that you knew at the time that you had a conviction.  The Committee was therefore satisfied that the average, reasonable and honest person would consider your conduct, in ticking 'no' when you knew that the correct answer was 'yes', dishonest.  You had completed your community service three years prior for a serious conviction which you had received in 2004. The Committee found that it was more likely that you did have this fact in mind when you completed the form and did not accept your evidence that you had forgotten it. You knew that the information you were providing was false, and you knew you were meant to provide correct information. You claimed that you did not have the conviction in your mind at the time that you completed the form.  The Committee therefore finds that your conduct was dishonest.
5. a.	Admitted and proved.
5. b.	Proved.  There was an obligation upon you as a dental nurse to have adequate insurance in place during the relevant period. The Committee was provided with evidence as to the dates you were covered by your practice. You accept that you were not covered in the period of the head of charge. Albeit you thought you were covered by the practice policy.  The Committee therefore finds this head of charge proved to the requisite standard.

We move to Stage Two.”

On 11 April 2017 the Chairman announced the determination as follows:

“Mrs Maund (Née Hunt),

At the facts stage, you admitted, and the Committee found proved that you have been convicted on two occasions, in July 2004 and in May 2011. In July 2008, you submitted an application for registration with the GDC, in which you failed to disclose your 2004 conviction. The Committee found that your conduct in this regard was misleading and dishonest. It also found that you practiced from April 2009 to January 2010 when you lacked adequate indemnity insurance.

### **MISCONDUCT**

The Committee considered whether your failure to disclose the conviction on the GDC registration application form, and the misleading nature of your conduct in this regard, as well as your failure to hold adequate indemnity, amounted to misconduct.

It looked at the following paragraphs contained within the GDC publication *Standards Dental Professionals*:

- 1.6 Make sure your patients are able to claim any compensation they may be entitled to by making sure you are protected against claims at all times, including past periods of practice.
- 6.1 Justify the trust that your patients, the public and your colleagues have in you by always acting honestly and fairly.

When you filled in the application form for registration with the GDC, you did not disclose your previous conviction despite the clearly stated requirement on the form that you must do so. You acted dishonestly in failing to declare it, and your conduct was counter to the GDC standards, to which you are subject.

In failing to hold adequate indemnity insurance, you placed patients at risk of being unable to claim compensation if entitled to do so. The Committee noted your assertion that you were unaware of the requirement for you to obtain cover at that time, and it is aware that you have always been appropriately indemnified since. However, your failure to ensure that you were indemnified during that period is a serious failing.

Your conduct in relation to both matters fell far short of the relevant standards and would no doubt be viewed as deplorable by your fellow practitioners. The Committee finds that your actions amounted to misconduct.

### **IMPAIRMENT**

The Committee next considered whether your fitness to practise is currently impaired by reason of your misconduct and your convictions.

Looking at your failure to be adequately indemnified for a period of some nine months, seven years ago, the Committee took the view that it amounted to an error on your part; one that you have not repeated since that time. You were newly employed, and stated that you were ignorant of the requirements. The Committee was satisfied that you are now aware of the requirement for insurance and therefore it would not find your fitness to practise impaired solely on this basis.

The Committee also considered the other findings against you, being your misconduct in failing to disclose your convictions and the two dishonesty convictions. In relation to these, the Committee first considered whether your conduct was remediable. It took the view that the offences leading to your convictions, which involved dishonesty, were very serious matters. Taken together with your dishonest action in failing to declare your conviction to the GDC at the time of your application, the Committee noted a pattern of behaviour that it deemed difficult, though not impossible, to remediate.

It next considered whether this conduct had been remedied. It took into account your oral evidence. You told the Committee that at that time you were 'in with the wrong crowd' and that you had 'the wrong attitude'. You told the Committee that you have turned your life around, that your circle of friends has changed, you are now married and have a young child. You have expressed remorse during the course of this hearing.

Six years have passed since the more recent conviction. No further convictions have occurred and no issues have been raised in relation to your practice to date.

The Committee has also had regard to the supportive letter of 27 November 2015, written by your former employer RT, in which he stated that there were no concerns regarding your clinical practice. It is apparent that your former employer was satisfied with your performance as a dental care professional and was disappointed to lose you.

The Committee was not convinced that you demonstrated sufficient insight into the effect of your conduct and behaviour on public confidence in the profession and your explanation of the effect of your conduct on this was limited.

The Committee took the view that in the face of its findings as to the very serious matters and an apparent pattern of behaviour, it has little independent evidence of steps taken by you to remediate your conduct. It has seen no testimonials or character references attesting to your changed character or your trustworthiness as a person. Although you have stated that you are a 'changed person', it was only in the face of your employers undertaking a 'DBS' check that you chose to disclose your conviction. You did not tell your employer when you acquired your conviction in 2011, during your employment as a dental nurse. The Committee therefore could not be satisfied that your conduct was highly unlikely to be repeated.

In the light of the repeated dishonesty demonstrated by your convictions, which extended over a considerable period of time, and your misconduct in concealing one of them, and the lack of sufficient evidence of remediation, it could not be satisfied that there was no risk of repetition.

In the light of the seriousness of your repeated dishonest actions, the Committee further determined that it was necessary to make a finding of impairment in order to declare and uphold standards, and to safeguard the reputation of the profession.

## **SANCTION**

The Committee therefore next considered what sanction, if any, to impose upon your registration. It bore in mind that the purpose of a sanction is not to be punitive, but rather to protect patients and the wider public interest.

In considering sanction, the Committee took into account the *Guidance for the Practice Committees including Indicative Sanctions Guidance* (October 2016). It applied the principle of proportionality and balanced the public interest against your own interests.

The Committee considered whether it would be sufficient to conclude the case with no further action. However, it determined that in the light of the seriousness of the findings it had made, concluding the case with no further action would be wholly inadequate.

It next considered whether to issue you with a reprimand. It determined that, a reprimand would be not appropriately mark the seriousness of your convictions and dishonesty and that such a sanction would not serve to safeguard the reputation of the profession.

The Committee determined that a conditions of practise order would not be suitable in this case. It took the view that no workable and measurable conditions could be formulated that would address dishonesty of the type identified in this case.

The Committee next considered whether to suspend your registration for a period. You have shown only limited insight into your actions, and you have not taken adequate steps to address the very serious concerns that such repeated dishonesty raises. As the Committee noted above, it could not be satisfied that there was no risk of repetition of your previous behaviour. The fact of your convictions, your failure to disclose the 2004 conviction on your application for registration and the continuation of this state of affairs until your employer applied for a DBS check, all demonstrated evidence of harmful, personal attitudinal problems which caused the Committee to conclude that suspension would not be adequate.

In the light of the repeated dishonesty in this case, the Committee considered whether a more serious sanction was warranted. It had regard to paragraph 7.34 within the *Indicative Sanctions Guidance*, which sets out the factors indicative of erasure:

*Erasure will be appropriate when the behaviour is fundamentally incompatible with being a dental professional: any of the following factors, or a combination of them, may point to such a conclusion:*

- *serious departure(s) from the relevant professional standards;*
- *where serious harm to patients or other persons has occurred, either deliberately or through incompetence;*
- *where a continuing risk of serious harm to patients or other persons is identified; • the abuse of a position of trust or violation of the rights of patients, particularly if involving vulnerable persons;*
- *convictions or findings of a sexual nature, including involvement in any form of child pornography;*
- *serious dishonesty, particularly where persistent or covered up;*
- *a persistent lack of insight into the seriousness of actions or their consequences.*

The Committee was satisfied that a number of the factors indicative of erasure are engaged in this case. In particular, it noted that erasure is said to be appropriate in cases of serious dishonesty, particularly where persistent or covered up. You committed two criminal offences of fraud, and you dishonestly failed to disclose a conviction to the GDC. The offences you committed were serious and you were persistently dishonest over the course of several years. The Committee was provided with little evidence of your remediation and there was little to demonstrate a change in your attitude. The Committee was not satisfied that you recognise the consequences of such deplorable conduct on public confidence in the profession.

Taking all of these factors into account, the Committee determined that erasure was the only appropriate and proportionate outcome in the circumstances of this case.

The Committee invited submissions as to whether your registration should be suspended immediately, pending the taking effect of its substantive direction.”

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“The Committee considered the submissions made by Mr Thomas and made by you. It accepted the advice of the Legal Adviser.

The Committee determined that it was necessary for the protection of the public, and that it was otherwise in the public interest, to impose an order of immediate suspension upon your registration. The Committee determined that the public required protection from the risk of you continuing to be present on the Dental Professionals Register during the currency of any appeal, in the face of the fact of its decision to erase your name on the grounds of your convictions and non-disclosure. In addition, the public confidence in the profession would be undermined if an order for immediate suspension was not made. The Committee has taken account of the impact that this order will have on you, but in the Committee’s judgement, the need to safeguard the public interest and maintain public confidence in the profession outweighs that impact.

The effect of the foregoing direction and this order is that your registration will be suspended forthwith, and, unless you exercise your right to appeal, the substantive order of erasure will take effect in 28 days. Should you exercise your right of appeal, this order will remain in place pending the final resolution of the appeal proceedings.

Any interim order currently in place is hereby revoked.

That concludes the case for today.”