

Hearing (part)-held in private

Summary

Name:	WEE, Stanley Emmanuel Seng Chiang [Registration number: 80074]
Type of case:	Health Committee (review)
Outcome:	Suspended Indefinitely
Date:	15 April 2016

At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.

Ms Patel,

This is a resumed hearing for the purposes of section 27C(1) of the *Dentists Act 1984 (as amended)* to review an order of suspension imposed on Mr Wee's registration. You appear on behalf of the General Dental Council (GDC).

An order of conditions for a period of 12 months with a review prior to expiry was first imposed on 5 April 2013 by the Health Committee ('HC'). This order was reviewed on 26 March 2014, and a HC determined to make an order of suspension for a period of 12 months with a review. On 2 April 2015 this order of suspension was extended for a further period of 12 months with a review.

Proceeding in Private

At the outset of the hearing you made an application pursuant to Rule 53 of the *General Dental Council (Fitness to Practise) Rules Order of Council 2006* ('the Rules') for the hearing to be heard in private due to health matters in this case. The Committee determined that it was appropriate, for the protection of Mr Wee, for this hearing to be held in private.

Service of Notice of Hearing and Proceeding in Absence

Mr Wee is neither present nor represented at this hearing. The Committee first considered whether the Notice of Resumed Hearing had been sent to Mr Wee in accordance with Rules 28 and 65 of the Rules.

The Committee received a copy of the Notice of Resumed Hearing, dated 16 March 2016, which was sent to Mr Wee's registered address by way of Special Delivery, First Class Post, and sent by email to an address held on the GDC's records for Mr Wee. The Committee is satisfied that the letter contained proper notification of today's hearing, including its time, date and location, as well as notification that the Committee has the power to proceed with the hearing in Mr Wee's absence.

The Committee is satisfied that the Notice of Resumed Hearing has been served on Mr Wee in accordance with the Rules.

The Committee then went on to consider whether to exercise its discretion under Rule 54 to proceed with the hearing in Mr Wee's absence.

The Committee heard the submissions made by Ms Patel on behalf of the GDC and took account of the advice of the Legal Adviser. The Committee was mindful that this was a discretion that must be considered with the utmost care and caution.

The Committee is satisfied that all reasonable efforts had been made by post and email to notify Mr Wee of this hearing. There has been no response from Mr Wee and no engagement with these proceedings. The Committee concluded that Mr Wee has voluntarily absented himself from this hearing and waived his right to attend. It considered an adjournment was unlikely to secure his attendance at a future date. The Committee notes that the current order is due to expire on 22 April 2016, and there was a public interest in ensuring the order is comprehensively reviewed prior to expiry. Having weighed the interests of Mr Wee and the public interest in an expeditious disposal of this hearing, the Committee determined to proceed in Mr Wee's absence.

Background

IN PRIVATE

[Redacted]

IN PUBLIC

Determination

This Committee has carefully considered all of the information presented to it, including the written documentation and submissions provided by Ms Patel on behalf of the GDC.

The Committee has accepted the advice of the Legal Adviser and Medical Adviser. It has taken into account the GDC's *Guidance for the Practice Committees, including Indicative Sanctions Guidance* (October 2015) ('the Guidance').

Impairment

IN PRIVATE

[Redacted]

IN PUBLIC

The Committee concluded that Mr Wee's fitness to practice remains currently impaired by reason of his adverse health.

Sanction

The Committee then determined what sanction, if any, would be appropriate in light of the finding of current impairment of Mr Wee's fitness to practise that it has made. The Committee recognises that the purpose of a sanction is not punitive, although it may have that effect, but is instead imposed in order to protect patients and safeguard the wider public interest. In reaching its decision on sanction the

Committee has again taken into account the GDC's *Indicative Outcomes Guidance*. The Committee has applied the principle of proportionality, balancing the public interest with Mr Wee's own interests.

The Committee is of the view that it would be inappropriate to revoke the suspension and make no order in light of the serious nature of the health concerns and the lack of information about Mr Wee's current health status. Similarly, the Committee considered that conditions would not be appropriate or workable given Mr Wee's lack of engagement with these proceedings and the nature of his health conditions. The Committee considers that there is a risk to patient safety and public confidence being undermined should Mr Wee return to practise without having adequately addressed his health conditions.

The Committee notes that it was open to this Committee to either extend the current order of suspension for a further period or suspend Mr Wee's registration indefinitely, as the requirements of section 27C(1)(d) had been satisfied. The Committee again notes that Mr Wee had not engaged with the GDC for over two years. He had demonstrated no willingness to acknowledge and address his serious health conditions, or expressed any desire to make a safe return to practice in the UK. The Committee notes that the GDC had informed Mr Wee it would be applying to this Committee to have his registration suspended indefinitely, and it had received no response.

The Committee accepts that the effect of an indefinite suspension would be that Mr Wee would be prevented from working as a registered dental professional indefinitely, although he may after two years apply for a Committee to review the direction. The Committee balanced Mr Wee's interests against the public interest. In considering the public interest it took into account the cost to the GDC of review hearings, particularly where there has been a lack of any engagement on the part of Mr Wee for over two years. The Committee was mindful also of the need to uphold proper standards of conduct and behaviour and public confidence in the dental profession. Given Mr Wee's persistent non-engagement, and the complete absence of evidence that his serious health conditions have been addressed and the absence of any insight on his part as to the risk to patient safety and public confidence his health issues have, the Committee concluded that it was appropriate and proportionate, in the particular circumstances of this case, to suspend Mr Wee's registration indefinitely.

Accordingly the Committee directed that Mr Wee's registration be suspended indefinitely pursuant to Section 27C(1)(d) of the Act at the expiry of the current order.

That concludes the case.