

Hearing Held in Public

Summary

Name:	CARRUTHERS, Tiegan Andrea [Registration no: 267703]
Type of case:	Interim Orders Committee (review)
Outcome:	Suspension continued
Duration:	For the remainder of the High Court extension
Date:	17 January 2020
Case number:	CAS-185584-J8M3C7

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.

This is an Interim Orders Committee (IOC) review hearing in respect of an interim order currently in place on Ms Carruthers' registration. Neither party is present today, following a request for the review of the interim order to be conducted on the papers.

In accordance with the *General Dental Council (Fitness to Practise) Rules Order of Council 2006* ('the Rules'), the Committee first considered the issues of service and whether to proceed with the hearing in the absence of Ms Carruthers and any representatives for either party. The Committee accepted the advice of the Legal Adviser on these matters.

Decision on Service of the Notice of Hearing

The Committee considered whether notice of the hearing had been served on Ms Carruthers in accordance with Rules 35 and 65 of the Rules and Section 50A of the *Dentists Act 1984 (as amended)* ('the Act'). The Committee received from the General Dental Council (GDC) an indexed hearing bundle of 457 pages, which contained a copy of the Notice of Hearing ('the notice'), dated 2 January 2020. The hearing bundle also contained a Royal Mail 'Track and Trace' receipt confirming that the notice was sent to Ms Carruthers' registered address by Special Delivery. A copy of the notice was also emailed to Ms Carruthers on 2 January 2020.

The Committee was satisfied that the notice sent to Ms Carruthers contained proper notification of today's hearing, including its time, date and venue, as well as notification that the Committee had the power to proceed with the hearing in Ms Carruthers' absence.

On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Carruthers in accordance with the Rules and the Act. The Committee was also satisfied that the period of notice given was reasonable in the circumstances.

Decision on Proceeding in the Registrant's Absence and on the Papers

The Committee next considered whether to exercise its discretion under Rule 54 of the Rules to proceed with the hearing in the absence of Ms Carruthers and any representative for either party. It approached this issue with the utmost care and caution. The Committee took into account the factors to be considered in reaching its decision, as set out in the case of *R v Jones [2002] UKHL 5*. It remained mindful of the need to be fair to both Ms Carruthers and the GDC, taking into account the public interest in the expeditious review of the interim order.

In reaching its decision, the Committee took into account that the GDC attempted to call Ms Carruthers on 10 January 2020, but the mobile number was invalid. The Committee was satisfied that the GDC had made all reasonable efforts to inform Ms Carruthers of this hearing. The Committee has not received any request for an adjournment from Ms Carruthers and it considers that adjourning the hearing would be unlikely to secure Ms Carruthers' attendance. The Committee also noted that the interim order had previously been extended on two occasions by the Court of Session in Scotland. It therefore determined that it was fair and appropriate to proceed with the hearing on the papers, in the absence of Ms Carruthers and any representatives for either party.

Background

This is the fifth review of an order initially made by the IOC on 30 November 2017 for a period of 18 months. The interim order was made on the basis that it was necessary for the protection of the public and was otherwise in the public interest.

The referral was made after Ms Carruthers notified the GDC on 3 November 2017 that on 2 November 2017 she was charged with offences in connection with a fatal road accident, including attempted fraud and perverting the course of justice. The Committee was informed that Ms Carruthers falsely claimed to have been driving the vehicle, which was her car, at the time of the fatal collision, when in fact her partner was driving. She allowed her partner to drive her vehicle knowing he was both disqualified and uninsured.

On 24 August 2018, Ms Carruthers appeared at Edinburgh High Court and pleaded guilty to three offences relating to Sections 143(1) and (2) of the Road Traffic Act 1988, fraud and attempting to pervert the course of justice. She was sentenced on 3 October 2018, and she was disqualified from driving for 18 months in regard to the Road Traffic Act offences. For the offences of fraud and perverting the course of justice, she was sentenced to a Community Payback Order, with an unpaid work requirement of 225 hours (reduced from 300 hours for the plea of guilty) which was to be completed within 12 months, and a supervision requirement for two years. The sentence will expire on 2 October 2020.

The interim suspension order was reviewed on 11 May 2018, 26 November 2018 and 2 April 2019. On each occasion the Committee determined that the order of suspension remained necessary for the protection of the public and in the public interest.

On 29 May 2019, the Court of Session in Scotland determined to extend the interim suspension order until 3 November 2019. The order was subsequently reviewed at a hearing on 23 August 2019 and the suspension was continued on the grounds of public protection and in the public interest. On 1 November 2019, the Court of Session in Scotland determined to extend the interim suspension order again until 3 August 2020.

Submissions

In their written submissions, the GDC stated that there had been no material change in circumstances since the previous review hearing, and Ms Carruthers' case has been listed to be heard by the Professional Conduct Committee on 3 June 2020. The GDC submitted that an interim order remains necessary and proportionate on the grounds of public protection and

is otherwise in the public interest, and that the interim order of suspension order should remain on Ms Carruthers' registration.

Committee's Decision on Interim Order

In comprehensively reviewing the order, the Committee had regard to all the documentary information provided to it. It also took account of the written submissions from the GDC and had regard to *the GDC'S Interim Order Guidance for Decision Makers – Interim Orders Committee (October 2016)*. The Committee heard and accepted the advice of the Legal Adviser.

In its considerations, the Committee applied the principle of proportionality, balancing the public interest with Ms Carruthers' own interests. The Committee was not bound by the decisions made by the previous IOC and sought to exercise its independent judgment. It had to consider whether it is still necessary, for the protection of the public and otherwise in the public interest, for there to remain in place an interim order on her registration.

The Committee first considered whether an interim order should remain on Ms Carruthers' registration. The Committee noted Ms Carruthers was sentenced on 3 October 2018 for causing and permitting her partner to drive uninsured, and was disqualified from driving for 18 months. Furthermore, Ms Carruthers was convicted of fraud and perverting the course of justice. In the circumstances the Committee decided that an interim order remained necessary. The Committee considers that the allegations against Ms Carruthers are very serious. Ms Carruthers' alleged dishonesty to the police calls into question her judgement and ability to make safe decisions. This raises concerns of a risk to the safety and well-being of members of the public. The Committee determined that an interim order remained necessary for the protection of the public.

The Committee then considered whether an interim order was otherwise in the public interest. The Committee considered that, given the gravity of the allegations faced by Ms Carruthers, including her dishonesty to the police, public confidence in the profession would be seriously damaged if the interim order was not continued.

The Committee next considered whether interim conditions could be formulated that would adequately protect patients and address the public interest concerns. It noted that Ms Carruthers appears to have disengaged in regard to the GDC investigation. Furthermore, in light of the nature of the allegations, which involve a demonstration of poor judgement and dishonesty, conditions would not be workable, adequate or appropriate to protect the public and the public interest. In those circumstances the Committee determined to continue the current interim order of suspension for the remainder of the period.

Review of the Order

Unless there has been a material change of circumstances, the Committee will review the interim order on the papers at an administrative meeting within the next six months. Alternatively, Ms Carruthers is entitled to have the interim order reviewed at a hearing. She must inform the GDC if she would like the interim order to be reviewed at a hearing. Even if Ms Carruthers does not request a hearing, where 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 Ms Carruthers and her representative will be invited to attend.

That concludes this case.