

Hearing held on the papers**Summary**

Name:	PARIKH, Ekta [Registration no: 244198]
Type of case:	Interim Orders Committee (review)
Outcome:	Conditions continued
Duration:	For the remainder of the term of the order
Date:	07 January 2020
Case number:	CAS-190211

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.

Neither party was present at today's hearing, following a request by the GDC for the review of the interim order to be conducted on the papers. In the absence of both parties, the Committee first considered the issues of service and whether to proceed with the hearing in the absence of Ms Parikh and any representatives. The Committee accepted the advice of the Legal Adviser on these matters.

Decision on service of the Notification of Hearing

The Committee considered whether notice of the hearing had been served on Ms Parikh in accordance with Rules 35 and 65 of *The General Dental Council (Fitness to Practise) Rules Order of Council 2006* (the Rules). It received a bundle of documents containing a copy of the Notification of Hearing letter, dated 04 December 2019, and a Royal Mail 'Track and Trace' receipt confirming that the letter was sent to Ms Parikh's registered address by Special Delivery, and a copy was also sent to her via email.

The Committee was satisfied that the letter contained proper notification of today's review hearing, including its time, date and location, as well as notification that the Committee had the power to proceed with the hearing in Ms Parikh's absence. On the basis of the information provided, the Committee was satisfied that notice of the hearing had been served on Ms Parikh in accordance with the Rules.

Decision on proceeding with the hearing in the absence of Ms Parikh and on the papers

The Committee next considered whether to exercise its discretion under Rule 54 to proceed with the hearing in the absence of Ms Parikh and any representative for either party. It approached this issue with the utmost care and caution. The Committee took into account the need to be fair to both parties and it had regard to the public interest in the expeditious review of the interim order in place on Ms Parikh's registration.

The Committee had regard to the letter dated 06 January 2020, from Ms Parikh's legal representatives. They confirmed receipt of the notice of hearing and that Ms Parikh did not object to a hearing taking place on the papers. In view of the indication given by both parties, the Committee was satisfied that it was fair and in the public interest to proceed with the hearing in the absence of Ms Parikh and any representatives. It was further satisfied that it was appropriate to conduct this review on the papers.

Background

This is the second review of an interim order of conditions that was imposed on Ms Parikh's registration on 07 February 2019 for a period of 18 months. The order was considered to be necessary for the purposes of public protection and was otherwise in the public interest. The order was reviewed and continued by the IOC at a review hearing that took place on 01 August 2019 where the conditions continued unvaried for the remainder of the term of the order.

Ms Parikh's case was first considered by the Interim Orders Committee (IOC) on 7 February 2019. She attended that hearing and was legally represented. The IOC determined that it was necessary for the protection of the public and was otherwise in the public interest that her registration be subject to an interim order of conditions for a period of 18 months. The interim order was made in the light of information received from NHS England on 24 December 2018 which raised concerns that Ms Parikh had not been following the correct decontamination process whilst working at a dental practice. Ms Parikh was interviewed by the Practice Owner in relation to this matter. At the IOC hearing Ms Parikh, through her Counsel, accepted that she had not followed the correct procedures for decontamination and that she recognised the seriousness of her actions. The IOC was referred to steps taken by Ms Parikh to address the concerns since they came to light. Both parties invited the IOC to consider making an interim order of conditions. The IOC considered that the alleged concerns, which were said to have occurred over an extensive period of time, were serious and if found proved, could put patients at risk of harm. The IOC was satisfied that an interim order was necessary for the protection of the public and was otherwise in the public interest. It acknowledged that Ms Parikh had been open about her failings and had already started implementing changes in her practice. It was satisfied that an interim order of conditions would be sufficient to manage the risks identified.

Decision on today's review

This is the second review of the interim order imposed on Ms Parikh's registration. In comprehensively reviewing the order today, the Committee considered all the information before it. It took into account the written submissions of the GDC and the written submissions

provided on Ms Parikh's behalf, dated 06 January 2020. The Committee accepted the advice of the Legal Adviser.

In their written submissions, the GDC sought a continuation of the current interim order of conditions on the grounds of public protection and that it is otherwise in the public interest. They submitted that there has been no material change in circumstances since the order was last made at the initial hearing and the review hearing thereafter.

On behalf of Ms Parikh, her representatives submitted *"We wish to confirm that our client agrees to the conditions currently imposed on her registration continuing."*

In reaching its decision, the Committee remained mindful that its task was not to find facts, but to conduct an assessment of risk, based on the information that has been placed before it. In all its considerations, it applied the principle of proportionality, balancing the public interest with Ms Parikh's own interests. It had regard to the *Interim orders guidance for decision makers – Interim Orders Committee (October 2016)*.

This Committee is not bound by the decision of the previous Committees. However, the information before it indicates that there has been no material change of circumstance to undermine the ongoing requirement for an interim order on Ms Parikh's registration. She still faces outstanding fitness to practise allegations which have yet to be fully considered at the substantive hearing. The nature of the allegations are such that any repetition pending the final resolution of this case could place patients at risk of harm. The Committee considered that a fully informed member of the public would expect an order to remain in place until the conclusion of the matters in this case. In all the circumstances, the Committee has determined that an interim order remains necessary for the protection of the public, is otherwise in the public interest.

The Committee took into account the information demonstrating her compliance with the conditions and was satisfied that they remain workable, proportionate and appropriate. Moreover, the evidence suggests that they are currently working well. The Committee also noted that the GDC has no concerns regarding Ms Parikh's compliance.

Accordingly, the Committee has determined to continue the interim order of conditions on Ms Parikh's registration, without variation, for the remainder of the order.

Review of the order

Unless there has been a material change of circumstances or the case has been concluded, the Committee will review the interim order before its expiry on the papers at an administrative meeting. In that case the Committee will be invited by the GDC to confirm the order and Ms Parikh will be asked whether there are any written submissions to be put before the Committee on her behalf. Ms Parikh will then be notified of the outcome in writing following the decision of the Committee.

Alternatively, Ms Parikh is entitled to have the interim order reviewed at a hearing. This means that she will be able to attend and make representations, send a representative on her behalf or submit written representations about whether the order continues to be necessary. Ms Parikh must inform the GDC if she would like the interim order to be reviewed at a hearing.

Even if Ms Parikh does not request a hearing, where it is notified that 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 Parikh and her representative will be invited to attend.

That concludes this determination.