Case study

professional standards authority
for Health and Social Care

Fitness to Practise appeal

A dental nurse who ignored unhygienic practices and put her patients at risk

Background/context

The General Dental Council (GDC) investigated a case about three of its registrants who worked together at a dental practice. One registrant was the dentist and principal of the practice, another was the practice manager and dental nurse, and the third – the subject of our Section 29 appeal – was also a dental nurse. The dentist and practice manager attended the GDC fitness to practise hearing, but the third registrant did not.

What the panel heard

The The allegations before the panel stemmed from concerns about the poor hygiene practices of the dentist. One of the main issues was the multiple use of surgical gloves and equipment on different patients – this equipment was either for single use only or had not been disinfected or sterilised between uses. This could have potentially led to a range of bloodborne diseases among patients of the practice, who had to be offered additional testing as a result. The aftermath of such poor hygiene practice generated a great deal of unnecessary anxiety among patients of the practice.



Fitness to Practise case study

A dental nurse who ignored unhygienic practices and put her patients at risk

During the GDC's investigation, the registrant was dishonest in her response.

The GDC's panel decision

The majority of the facts were found proven against the registrant, and in response the panel imposed conditions for 12 months which would then be reviewed. Although the GDC panel had imposed a sanction, we were concerned that its decision did not consider all relevant issues and therefore did not address the seriousness of the case.

Why we decided to appeal

We appealed the case – arguing that:

- the panel had not given adequate weight to the risk posed to patients
- the panel could not be confident the registrant would comply with conditions because she did not attend the hearing
- the panel's consideration of, and attitude to, the registrant not having attitudinal failings was without basis
- the conditions did not address the registrant's dishonesty during the investigation, which the panel appeared to excuse as loyalty to her employer rather than treating the risk to her patients more seriously.

We were also concerned that the panel appeared to treat this registrant differently because of her particular route to registration, which differed to those who were registered after gaining professional qualifications. This registrant had worked in the practice for 15 years and, although she was not formally qualified as a dental nurse, had gained her registration through the GDC's grandparenting clause and her experience as a dental nurse. We believed that there was no basis for such a view, as good hygiene is a basic requirement in any dental practice.

The outcome

The GDC agreed with our appeal. The court made a consent order, with the agreement of all the parties involved. Instead of placing conditions on the registrant's practice, it was agreed that the registrant should be struck off – meaning she was removed from the GDC's register.

Find out more

- Our power to appeal regulators' final fitness to practise decisions
- Our oversight of regulators