

**Mrs. Alicja Glowinska**

*Appellant*

*v.*

**The General Dental Council**

*Respondent*

FROM

**THE PROFESSIONAL CONDUCT COMMITTEE  
OF THE GENERAL DENTAL COUNCIL**

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ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL  
COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE  
17TH MARCH 1994  
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*Present at the hearing:-*

LORD TEMPLEMAN  
LORD JAUNCEY OF TULLICHETTE  
LORD LLOYD OF BERWICK

*[Delivered by Lord Templeman]*

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This is an appeal by Mrs. Glowinska against an order of the General Dental Council striking her off the Register of Dental Practitioners. At the hearing on 16th and 17th November 1992 the Professional Conduct Committee found Mrs. Glowinska guilty of serious professional misconduct under three heads although there was a degree of conflicting evidence on the particulars of the charges made against Mrs. Glowinska. The Committee, which consists of a number of practising and academic dentists, heard the witnesses and came to a conclusion which this Board is not at liberty to disturb. The Committee on that occasion decided, and in a written finding which was given to Mrs. Glowinska, informed her that her attitude had been irresponsible and her actions ill-considered in the view of the Committee.

It may well be, and their Lordships have seen Mrs. Glowinska today, that she is in one sense her own worst enemy and not particularly efficient administratively. However that may be, on those findings the Committee were quite entitled to say that they would postpone determination of her case for twelve months until its meeting in November 1993, and they warned her that she was expected to attend courses relevant to treatment planning and administration of her practice, no doubt because they too at that stage formed the view that Mrs. Glowinska was not particularly efficient in running a

practice. They said expressly that, shortly before November 1993, Mrs. Glowinska should furnish the Council with names of professional colleagues and other persons of standing to whom it might apply for information concerning "your conduct in the interim and the steps you have taken to comply with the Committee's recommendations".

Before the hearing, which took place on 10th November 1993, Mrs. Glowinska was furnished with a letter in which she was told that she was accused also, since the hearing, of the improper issue by her of National Health prescriptions to private patients. That in the event was a reasonably minor matter, but it was some evidence that since the hearing Mrs. Glowinska had not fully lived up to the practice of a dentist. Her explanation, which she gave to the Committee and to the Board, was that she was not aware that she had been taken off the National Health Service list. But Mrs. Glowinska's main difficulty is that she had not in fact taken the advice of the Committee and attended postgraduate instructions or treatment planning courses, at any rate for more than three or four weeks in January 1993, and she produced no tributes to her conduct one way or the other or anything which would help the Committee to see that she had trained herself and had in effect made herself capable of running a practice properly.

Mrs. Glowinska told the Committee that she had fallen victim to glandular fever during the course of the year but she was not represented there and it is not clear how far that matter was explored by the Committee or capable of being explored. Mrs. Glowinska produced to the Board a certificate from a doctor that she had glandular fever shortly after January 1993, but their Lordships are of the opinion that she has only herself to blame if the true facts of the matter were not fully explored in front of the Committee. In those circumstances, nothing really having been done by Mrs. Glowinska to her credit during the year, it was for the Committee to decide what sentence to impose. As a result of their original findings they could have suspended her. They could not as the law now stands have imposed conditions on her practising and they could have struck her off the register which in fact they did.

An appeal to this Board can only be successful if there has been a mistake of law or if in exceptional circumstances the Board has come to the conclusion that the Committee were wholly wrong in principle in the sentence which they pronounced. Those conditions are not satisfied here. It is a sad case and, as their Lordships think is now apparent, Mrs. Glowinska is her own worst enemy, but the Board are unable to interfere with either the findings or the sentence of the General Dental Council. Of course, striking off has the most serious effects but people have recovered from it and Mrs. Glowinska may apply to the Council for the restoration of her name to the register after a lapse of ten months from the beginning of her sentence. Mrs. Glowinska will first of all have to persuade the Council to restore her and then she will have to begin practice all over again. The

Board fully recognise all these disadvantages but as their Lordships have said it has been done before. If Mrs. Glowinska can find employment and can find recommendations which will enable her to impress the Committee at the end of the twelve months then no doubt her name will be restored. As it is, there are no grounds upon which the Board can interfere with the findings and sentence of the General Dental Council, and so their Lordships will humbly advise Her Majesty that this appeal must be dismissed. There will be no order as to costs.

