



Neutral Citation Number: [2026] EWHC 890 (Admin)

Case No: AC-2025-LON-003748

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 17/04/2026

Before :

HIS HONOUR JUDGE SIDDIQUE (SITTING AS A DEPUTY HIGH COURT JUDGE)

Between :

HANNA GRZELCZAK

Claimant

- and -

GENERAL DENTAL COUNCIL

Defendant

Simon Butler and Atanas Angelov (instructed by BSG Solicitors LLP) for the Appellant
Alexis Hearnden (instructed by General Dental Council) for the Respondent

Hearing dates: 25 March 2026

Approved Judgment

This judgment was handed down remotely at 11.00am on Friday 17 April 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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His Honour Judge Siddique (Sitting as a Deputy High Court Judge):

Introduction

1. Ms Hanna Grzelczak qualified as a dentist in 2003. Having trained and practised in Poland for seven years, she moved to the United Kingdom in 2009, obtaining further qualifications and registration with the General Dental Council (the “GDC”), the statutory body for regulating dental professionals in the UK.
2. On 24 September 2025, following a three day hearing, the GDC’s Professional Conduct Committee (the “Tribunal”) imposed on Ms Grzelczak a sanction of erasure with immediate suspension, following findings of misconduct and current impairment. Erasure is the most serious sanction available to the Tribunal under the Dentists Act 1984. It removes a registrant’s name from the GDC’s register and thereby deprives them of the legal right to practise dentistry in the UK. As GDC sanctions are published publicly, they also carry significant reputational and professional consequences.
3. Ms Grzelczak, represented by Mr Simon Butler, appeals against the Tribunal’s decision on sanction under s.29(1)(a)(i) of the Dentists Act 1984. She submits that the Tribunal was wrong to impose a sanction of erasure, which was excessive and disproportionate. The GDC opposes the appeal. Ms Alexis Hearnden, for the GDC, submits that the sanction imposed was appropriate and necessary in the public interest.

Relevant Factual Background

4. Ms Grzelczak began working for Damira Dental Studios from January 2022, initially in a locum position and then permanently as an Associate Dentist at their Fareham practice, in Hampshire, from May 2022. Eleven months later, on 28 March 2023, Ms Grzelczak gave notice of her resignation, effective 30 June 2023.
5. From late July 2023, Ms Grzelczak wrote to Damira Dental Studios asking for her name to be removed from their website and online materials. In four emails she made remarks relating to “Indian” dentistry. Three emails were sent on 25 August, 26 August and 21 September 2023 to “Person A”, an administrative member of staff described as having “an obviously Indian name.” The 25 August 2023 email read:

“If you type Hanna Grzelczak dentist in Google. You will see places connected to 3 surgeries Damira.
Please remove it asap.
I don’t want to be connected with Indian dentitry [sic].”
6. The 26 August 2023 email read:

“I don’t want to be connected to Damira links.
It is a shame.I start work in another country.
Please remove my data from Damira places.
I am not Indian.”
7. The 21 September 2023 email read:

“I am buying private practice.
I noticed my name Hanna Grzelczak dentist
In Google is connected with Damira practices.
I feel low with this connection as Damira is nhs low quality service and this is
Indian company! It is a shame to me.
Indian should share money with indian.
Leave specialists reputation!
Please remove your links below.”

8. On 22 September 2023, Ms Grzelczak wrote an email to Person B. Person B was also an administrative member of staff and is similarly described as having “an obviously Indian name.” The email stated:

“I have received help to remove my name from your link.
Please remember I don’t provide Indian implants.
I provide German technology.”

The Misconduct

9. Following a complaint and a subsequent investigation, four charges were brought, each relating to one of the four emails. It was alleged that the communications were:
- a. unprofessional; and/or
 - b. inappropriate; and/or
 - c. racially motivated,
- and that Ms Grzelczak’s fitness to practise was impaired due to misconduct.
10. At the start of the Tribunal hearing on 22 September 2025, Ms Grzelczak formally admitted all the allegations.

The Legal Framework

11. By s.29(3) of the Dentists Act 1984, following an appeal against the Tribunal’s decision, the High Court may:
- a. “dismiss the appeal;
 - b. allow the appeal and quash the decision appealed against;
 - c. substitute for the decision appealed against any other decision which could have been made by the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee; or
 - d. remit the case to the Professional Conduct Committee, the Professional Performance Committee or (as the case may be) the Health Committee to dispose of the case under section 24, 27B, 27C or 28 in accordance with the directions of the court,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.”

12. CPR 52.21(1) provides:

- “(1) Every appeal will be limited to a review of the decision of the lower court unless—
- (a) a practice direction makes different provision for a particular category of appeal; or
 - (b) the court considers that in the circumstances of an individual appeal it would be in the interests of justice to hold a re-hearing.
- (2) Unless it orders otherwise, the appeal court will not receive—
- (a) oral evidence; or
 - (b) evidence which was not before the lower court.
- (3) The appeal court will allow an appeal where the decision of the lower court was—
- (a) wrong; or
 - (b) unjust because of a serious procedural or other irregularity in the proceedings in the lower court.
- (4) The appeal court may draw any inference of fact which it considers justified on the evidence.”

13. CPR 52D, para 19.1 provides:

- “(1) This paragraph applies to an appeal to the High Court under ... (c) section 29 or section 44 of the Dentists Act 1984; ...
- (2) Every appeal to which this paragraph applies must be supported by written evidence and, if the court so orders, oral evidence and will be by way of re-hearing.”

14. The approach to be taken by the court in an equivalent appeal under section 40 of the Medical Act 1983 was set out by the Court of Appeal in *Sastry v General Medical Council* [2021] EWCA Civ 623, [2021] 1 WLR 5029. Nicola Davies LJ, giving the judgment of the court, identified the following points as to the nature and extent of the appeal and the approach of the appellate court at [102]:

- “(i) an unqualified statutory right of appeal by medical practitioners pursuant to section 40 of the 1983 Act;
- (ii) the jurisdiction of the court is appellate, not supervisory;

- (iii) the appeal is by way of a rehearing in which the court is fully entitled to substitute its own decision for that of the tribunal;
- (iv) the appellate court will not defer to the judgment of the tribunal more than is warranted by the circumstances;
- (v) the appellate court must decide whether the sanction imposed was appropriate and necessary in the public interest or was excessive and disproportionate;
- (vi) in the latter event, the appellate court should substitute some other penalty or remit the case to the tribunal for reconsideration.”

Measure of respect for the decision of a professional tribunal

15. When considering the measure of respect to be afforded to the decision of a professional tribunal, it was held in *Sastry* at [113]:

“We agree that in matters such as dishonesty or sexual misconduct, the court is well placed to assess what is needed to protect the public or maintain the reputation of the profession and is less dependent upon the expertise of the tribunal. It follows that we find that the approach of the judge to the sanction imposed upon Dr Okpara was wrong in that he did not assess whether the sanction was necessary or appropriate in the public interest or was excessive or disproportionate.”

16. The central question, therefore, is whether the sanction of erasure was appropriate and necessary in the public interest, or whether it was excessive and disproportionate. Under s.29 of the Dentists Act 1984, the High Court’s jurisdiction is by way of a rehearing, not a review. That distinction is critical. A rehearing requires the court to undertake its own evaluative assessment of the relevant facts and circumstances, and, where appropriate, to substitute its own judgment for that of the Tribunal. At the same time, the court must give a proper, though not undue, measure of respect to the Tribunal’s expertise and findings. This balance was clearly articulated by Nicola Davies LJ in *Sastry* at [112]:

“Appropriate deference is to be paid to the determinations of the MPT in section 40 appeals but the court must not abrogate its own duty in deciding whether the sanction imposed was wrong; that is, was it appropriate and necessary in the public interest. In this case the judge failed to conduct any analysis of whether the sanction imposed was appropriate and necessary in the public interest or whether the sanction was excessive and disproportionate, and therefore impermissibly deferred to the MPT.”

17. Thus, the approach in the present appeal stands in contrast to appeals by way of review, for example those under s.40A of the Medical Act 1983. In *General Medical Council v Bawa-Garba* [2018] EWCA Civ 1879, a case concerning s.40A, the Court of Appeal explained at [61-67] that in an appeal by way of review, considerable respect is ordinarily to be afforded to the evaluative and multifactorial judgments of a specialist tribunal. The appellate function is consequently narrower. By contrast, an appeal

under s.29 of the Dentists Act 1984 requires this court to undertake its own evaluative assessment of sanction, while ensuring that any deference accorded to the Tribunal's findings is no more than the circumstances warrant.

18. This approach is consistent with the wider line of authority. In *General Medical Council v Jagjivan and another* [2017] EWHC 1247 (Admin); [2017] 1 WLR 4438, the Divisional Court held at [40]:

“(iv) When the question is what inferences are to be drawn from specific facts, an appellate court is under less of a disadvantage. The court may draw any inferences of fact which it considers are justified on the evidence: see CPR Part 52.11(4).

(v) In regulatory proceedings the appellate court will not have the professional expertise of the Tribunal of fact. As a consequence, the appellate court will approach Tribunal determinations about whether conduct is serious misconduct or impairs a person's fitness to practise, and what is necessary to maintain public confidence and proper standards in the profession and sanctions, with diffidence: see *Raschid's* case at para 16; and *Khan v General Pharmaceutical Council* [2017] 1 WLR 169, para 36.

(vi) However there may be matters, such as dishonesty or sexual misconduct, where the court “is likely to feel that it can assess what is needed to protect the public or maintain the reputation of the profession more easily for itself and thus attach less weight to the expertise of the Tribunal ...”: see *Council for the Regulation of Healthcare Professionals v General Medical Council and Southall* [2005] EWHC 579 (Admin) at [11], and *Khan's* case at para 36. As Lord Millett observed in *Ghosh v General Medical Council* [2001] 1 WLR 1915, para 34, the appellate court “will accord an appropriate measure of respect to the judgment of the committee ... But the [appellate court] will not defer to the committee's judgment more than is warranted by the circumstances”.

(vii) Matters of mitigation are likely to be of considerably less significance in regulatory proceedings than to a court imposing retributive justice, because the overarching concern of the professional regulator is the protection of the public.

(viii) A failure to provide adequate reasons may constitute a serious procedural irregularity which renders the Tribunal's decision unjust.”

19. More recently, in *Gilbert v General Medical Council* [2026] EWCA Civ 53, the Court of Appeal held at [57]:

“As the judge rightly said in the present case at [110], in a case which concerns sexual misconduct or racist statements the court can assess what is needed to protect the public or maintain the reputation of the profession more easily for itself and can attach less weight to the expertise of the Tribunal. Nevertheless, in determining sanction in such cases the Tribunal is making an evaluative judgment to which the court should give a proper measure of respect, in particular when exercising the review jurisdiction under s 40A.”

The purpose of fitness to practise proceedings

20. Section 1(1ZA) of the Dentists Act 1984 makes clear that the “over-arching objective” of the GDC in exercising its functions under the Act “is the protection of the public.” It is similarly well established in case law that the purpose of fitness to practise proceedings is not to punish a practitioner but to protect the public: see *Ghosh v General Medical Council* [2001] UKPC 29; [2001] 1 WLR 1915, PC, at [35] and [39]; and *Meadow v General Medical Council* [2006] EWCA Civ 1390; [2007] QB 462 at [30] and [32]. In *Meadow*, Sir Anthony Clarke MR, giving judgment of the court held at [32]:

“In short, the purpose of FTP proceedings is not to punish the practitioner for past misdoings but to protect the public against the acts and omissions of those who are not fit to practise. The FPP thus looks forward not back. However, in order to form a view as to the fitness of a person to practise today, it is evident that it will have to take account of the way in which the person concerned has acted or failed to act in the past.”

21. This is reiterated in the GDC’s “Guidance for the Practice Committees including Indicative Sanctions Guidance” (effective 1st October 2016, revised December 2020). Para 1.6 provides:

“The GDC’s purpose is to protect the public by regulating the dental team.”

22. Para 5.14 provides:

“The purpose of imposing a sanction is not to punish the Registrant but to protect patients and the wider public interest described above. However, the sanction imposed may be punitive in effect.”

23. Para 6.1 provides:

“The PCC may impose a sanction when it determines that the dental professional’s fitness to practise is currently impaired. Sanctions are intended to protect the public interest, which includes:

- the protection of patients, colleagues and the wider public from the risk of harm;
- maintaining public confidence in the dental professions;
- protecting the reputation of the dental professions; and
- declaring and upholding appropriate standards of conduct and competence among dental professionals.”

Grounds of Appeal

24. There are five grounds of appeal. They concern the assessment of the risk of harm, the likelihood of repetition, whether Ms Grzelczak demonstrated a deep-seated and harmful

attitudinal or personality issue, and whether a sanction of erasure was disproportionate. They are as follows:

- a. Ground 1: The Tribunal was wrong to conclude that Ms Grzelczak posed a risk of harm to the public or individuals who might receive racially motivated communications in the future.
- b. Ground 2: The Tribunal erred in determining that Ms Grzelczak was likely to repeat the conduct, and that that repetition could pose a risk of harm to future potential recipients.
- c. Ground 3: The Tribunal was wrong to conclude that Ms Grzelczak’s emails posed a risk of harm given that the witness statements of the recipients did not suggest they were harmed.
- d. Ground 4: The Tribunal was wrong to infer that Ms Grzelczak’s emails indicated a deep-seated and harmful personality or professional attitudinal issue.
- e. Ground 5: Erasure was disproportionate and the Tribunal was wrong to conclude that a lesser sanction would not suffice.

Guidance for the Practice Committees including Indicative Sanctions Guidance (the “Sanctions Guidance”)

25. Para 6.32 of the Sanctions Guidance provides:

“The PCC is obliged to consider sanctions in increasing order of severity. Therefore, before considering erasure the PCC must have considered all the preceding sanctions before determining that the decision to erase the Registrant is proportionate.”

26. There is no dispute between the parties that Ms Grzelczak’s fitness to practise was impaired due to misconduct. On her behalf, it was also conceded that a sanction of suspension was appropriate and necessary in the public interest.

Suspension factors

27. In respect of the appropriateness of a sanction of suspension, para 6.28 of the Sanctions Guidance provides:

“Suspension is appropriate for more serious cases and may be appropriate when all or some of the following factors are present (this list is not exhaustive):

- there is evidence of repetition of the behaviour;
- the Registrant has not shown insight and/or poses a significant risk of repeating the behaviour;
- patients’ interests would be insufficiently protected by a lesser sanction;
- public confidence in the profession would be insufficiently protected by a lesser sanction;
- there is no evidence of harmful deep-seated personality or professional attitudinal problems (which might make erasure the appropriate order).”

Erasure factors

28. In respect of the appropriateness of a sanction of erasure, para 6.30 of the Sanctions Guidance provides:

“The ability to erase exists because certain behaviours are so damaging to a registrant’s fitness to practise and to public confidence in the dental profession that removal of their professional status is the only appropriate outcome. Erasure is the most severe sanction that can be applied by the PCC and should be used only where there is no other means of protecting the public and/or maintaining confidence in the profession. Erasure from the register is not intended to last for a particular or specified term of time. However, a registrant may apply for restoration only after the expiry of five years from the date of erasure.”

29. Para 6.34 continues:

“Erasure will be appropriate when the behaviour is fundamentally incompatible with being a dental professional: any of the following factors, or a combination of them, may point to such a conclusion:

- serious departure(s) from the relevant professional standards;
- where serious harm to patients or other persons has occurred, either deliberately or through incompetence;
- where a continuing risk of serious harm to patients or other persons is identified;

- the abuse of a position of trust or violation of the rights of patients, particularly if involving vulnerable persons;
- convictions or findings of a sexual nature, including involvement in any form of child pornography;
- serious dishonesty, particularly where persistent or covered up;
- a persistent lack of insight into the seriousness of actions or their consequences.”

The Tribunal’s Determination and Reasons

30. Before turning to sanction, the Tribunal set out the mitigating and aggravating factors at paras 37 and 38 of its determination. In mitigation, it noted that Ms Grzelczak had expressed some remorse, made full admissions to the charges, accepted that her actions amounted to misconduct and that her fitness to practise was impaired, and demonstrated some, albeit limited, insight. It also took account of the time that had elapsed since the emails were sent, during which no further concerns had arisen, and the fact that Ms Grzelczak’s conduct was not financially motivated. As to aggravating factors, the Tribunal noted Ms Grzelczak’s relevant fitness to practise history relating to unprofessional communications (when she received a reprimand), the repeated nature of the misconduct over approximately four weeks, the risk of harm associated with the communications, the element of premeditation arising from the act of typing and sending four emails, and Ms Grzelczak’s lack of full insight.

Suspension

31. The Tribunal set out its determination on sanction at paras 41 to 43. In addressing whether a period of suspension would be sufficient, it stated as follows:

“41. The Committee next considered whether a period of suspended registration would represent a suitable disposal of this case. After careful consideration, the Committee has found that a direction of suspended registration would not be sufficient to meet the risks to the public and the wider public interest in the particular, and particularly serious, circumstances of this case. The Committee considers that your misconduct represents a serious departure from the professional standards expected of a registered dentist. Your misconduct was repeated across four separate emails over a period of approximately four weeks. You have breached a fundamental tenet of the profession, namely the need to treat others with respect and not bring the profession into disrepute. The misconduct that the Committee has found, relating as it does to racially-motivated comments, connotes a deep-seated and harmful personality or professional attitudinal issue.”

Serious departure from the relevant professional standards

32. The Tribunal found Ms Grzelczak’s misconduct represented “a serious departure from the professional standards expected of a registered dentist.”

As this is one of the erasure factors in the Sanctions Guidance, it reasoned that suspension “would not be sufficient to meet the risks to the public and the wider public interest in the particular, and particularly serious, circumstances of this case.”

33. I accept that Ms Grzelczak’s misconduct represented a serious departure from the professional standards expected of a registered dentist, particularly the duties to treat colleagues with respect, to avoid discriminatory behaviour, and not to bring the profession into disrepute. Although the Sanctions Guidance treats such departures as a potential indicator for erasure, the factor is not determinative. Erasure is reserved for behaviour fundamentally incompatible with continued registration, such as an attitudinal concern that is entrenched or irremediable. In reasoning that suspension would not meet the risks to the public and the wider public interest, the Tribunal relied upon the following (at para 41):
- a. the fact that there were “four separate emails over a period of approximately four weeks”;
 - b. Ms Grzelczak “breached a fundamental tenet of the profession, namely the need to treat others with respect and not bring the profession into disrepute”; and
 - c. Ms Grzelczak’s racially-motivated comments “connotes a deep-seated and harmful personality or professional attitudinal issue.”
34. Whilst I accept these are relevant considerations, I am not persuaded that, without more, they demonstrate conduct of such gravity that a period of suspension would have been insufficient to protect the public, despite the aggravating features. First, the period over which the emails were sent was approximately four weeks. Four emails over four weeks is not a large number of incidents, nor does it necessarily amount to sustained, entrenched or escalating behaviour that might justify a conclusion that suspension is insufficient. Although the Tribunal correctly characterised the behaviour as “repeated”, the repetition here is limited and episodic. Indeed, para 6.28 of the Sanctions Guidance identifies evidence of repetition as a factor that may point towards suspension.
35. Second, many cases of misconduct, including those at the lower end of the spectrum, can properly be said to involve a failure to treat others with respect or risk bringing the profession into disrepute. These are broad, principled standards which require context and degree. A breach of such a principle does not, of itself, establish that the conduct is so grave that erasure, rather than suspension, is the only proportionate response.
36. Third, I recognise that the Tribunal found that the racially motivated comments “connotes a deep-seated and harmful personality or professional attitudinal issue”, and that this might elevate the seriousness of the misconduct. There is no dispute between the parties that Ms Grzelczak’s misconduct meant that her fitness to practise was impaired. However, it does not necessarily follow that any attitudinal concern is irremediable. Such concerns are not listed under the ‘Erasure’ section of the Sanctions Guidance. Instead they appear under ‘Suspension’, where the Guidance notes that the presence of such a factor might make erasure the appropriate order. In my judgment, the use of the word “might” is significant. It does not create a presumption in favour of erasure, nor does it displace the need for a Tribunal to examine whether the attitudinal concern is entrenched, longstanding, or irremediable. As Fordham J stated in *Robert*

Lambert-Simpson v Health and Care Professions Council [2023] EWHC 481 (Admin) at [24]:

“vi. In confronting this “racially motivated” unacceptable and offensive language the Panel did not say they were “labelling” the Registrant as “a” racist, still less “forever”. The same could be said of Roberts, where the comment made was racist. Here, the Panel was clear, and careful, as to what it found. Its finding was made, in light of all the evidence, including from the Registrant. It was not persuaded by strong protestations from the Registrant as to his stance on racism and discrimination; nor his assertions about what his 22 Facebook friends know and think about him. Nor am I. However, the Panel did not find the conduct to be incompatible with registration. It did not find the evidenced attitudinal concerns to be irremediable. What the Panel was then looking for was insight; and for the issue to be addressed. All of which takes me to the final issue.”

Erasure

37. In respect of a sanction of erasure, the Tribunal stated as follows:

“42. The Committee considers that you lack a proper understanding of the nature, seriousness and implications of your misconduct, and that you have not demonstrated sufficient insight into or remediation of conduct which is so damaging to your fitness to practise. In the Committee’s judgement, no lesser sanction than that of erasure from the register would be sufficient to protect the public and the wider public interest considerations which are so clearly engaged in this particular case. Your unremediated behaviour presents an ongoing risk of harm to a person or persons who could receive racially motivated communications from you in the future. Further, in the Committee’s view, a lesser sanction than that of erasure would not be sufficient to declare and uphold proper professional standards of conduct and behaviour and to maintain trust and confidence in the profession.

43. In the final analysis, your misconduct, and your lack of a proper understanding of it, is fundamentally incompatible with continued registration. Accordingly, the Committee directs that your name be erased from the register.”

Insight

38. The Tribunal’s findings on whether Ms Grzelczak’s had demonstrated insight are detailed at paras 29 to 31 as follows:

“29. Having taken the evidence that you have provided into consideration, the Committee considers that, whilst your misconduct is in theory capable of being remedied, your fitness to practise is currently impaired by reason of misconduct. The Committee recognises that English is not your first language, and that you have endeavoured to answer the questions asked of you to the best of your ability. However, whilst you have demonstrated some insight into your misconduct, the Committee has concluded that this insight can only properly be described as limited. Similarly, whilst the Committee notes that you have taken some steps to attempt to remedy your misconduct, the Committee finds that these steps are minimal.

30. The Committee is mindful that you came before it making full admissions to the heads of charge that you face, and that you have also accepted that your conduct amounts to misconduct, and that your fitness to practise is currently impaired. These admissions and concessions connote a degree of understanding of your wrongdoing.

31. When looking at the extent and depth of your insight, the Committee considers that you do not appear to have a proper, thoroughgoing and longstanding appreciation of the very serious nature of your misconduct. In the Committee's judgement you have not engaged properly with the nature of your misconduct, in that you have sought to downplay your culpability by referring to your comments as, for instance, 'illogical', 'nonsense' and 'silly'. In the Committee's judgement you have not demonstrated that you fully understand just how offensive your comments were, and the likely effect that they would have on the public's perception of, trust and confidence in the profession as a whole and you in particular. The Committee is cognisant that a period of two years has elapsed since you made the comments in question, and in its judgement you have therefore had a considerable period of time in which to develop proper insight. The Committee has had regard to the evidence that you provided about the pressures that you were facing at the relevant times, but in its judgement you have provided little in the way of a coherent explanation for why you used racially motivated language. Instead, in the Committee's judgement, you have sought to disassociate yourself from your behaviour rather than take responsibility for it. The resulting lack of insight into the nature, gravamen and implications of your misconduct means that the Committee cannot be satisfied that a risk of you repeating your misconduct is highly unlikely. Your lack of insight is mirrored by, and is no doubt likely to have resulted in, shortcomings in your remediation."

39. On behalf of Ms Grzelczak, Mr Butler submits that the Tribunal did find that she had demonstrated some insight. Whilst that is correct, it is not the full picture. It is clear from the above that the Tribunal's determination was that Ms Grzelczak's insight was "limited", finding she had "not engaged properly" with the nature of her misconduct, "sought to downplay...culpability" (by referring to her comments as 'illogical', 'nonsense' and 'silly'), not demonstrated that she fully understood how offensive the comments were and their impact on the public's trust and confidence in the profession, and had "provided little in the way of a coherent explanation" for why she used racially motivated language.
40. In my judgment, the Tribunal was justified in finding that Ms Grzelczak's insight at the material time was limited. First, there was a late admission that the emails had been racially motivated. It was agreed at the hearing that her "Reflections" statement was provided on day one of the hearing, on 22 September 2025. Until then, Ms Grzelczak's position, as outlined at paras 19 and 20 of her witness statement dated 23 July 2025, was as follows:

"19. Denied. I accept that my comments were unprofessional and inappropriate, however, I strongly deny that they were racially motivated. They were distasteful and I sincerely apologise for that. As can be seen from my previous correspondence with Damira and Google, I made no mention of 'Indian

Dentistry’, I was asking for months for my personal data to be removed and I was extremely upset about how many times I had to go back and make the same request. This led to me erroneously including the nationality of the CEO of Damira in my correspondence.

I appreciate now, with the benefit of hindsight, how these emails look and I regret my poor choice of words and lack of judgment.

20. In my mind, the situation was clear. I was still in the early stages of starting my business and I did not want there to be any confusion as I did not want to mislead the public, I was also going through a previous fitness to practise hearing so I was on high alert in making sure that nothing could be misinterpreted as dishonest conduct. I was frustrated that despite my repeated requests my name remained on the company. In my mind, there was a clear distinction between my company and Damira. I appreciate that I did not explain that clearly or at all to the practice, and I admit that the emails do appear to be racially motivated. I would like to make it clear that this was not my intention at all.”

41. Ms Grzelczak’s July 2025 explanation that she had “erroneously” included the CEO’s Indian nationality does not withstand scrutiny. The reference appeared on at least four occasions, indicating that it was not a single mistaken inclusion. It is also relevant that these emails were sent while she was simultaneously engaged in an unrelated fitness to practise hearing, a situation she said placed her “on high alert” to avoid any conduct that might be perceived as dishonest. Against that background, I do not accept her suggestion that she sent the emails simply to avoid “confusion” or to prevent misleading the public.
42. It is plain from the emails that Ms Grzelczak was upset and angered over whatever had happened between herself and Damira Dental Studios. She desired a speedy disassociation from Damira Dental Studios, seeking to justify this, at least in part, on the basis that Damira Dental Studios was “nhs low quality service and this is Indian company! It is a shame to me.” Whilst her subsequent September 2025 statement acknowledged that she used “irrational, racist words to express my frustration and reach my objectives”, Ms Grzelczak continued to explain her conduct in these terms: “I was strictly adhering to the rules and aiming to demonstrate a zero tolerance approach to any dishonesty in my life and I lost sight of the need to maintain professionalism and respect towards dental professionals.”
43. In her evidence before the Tribunal, Ms Grzelczak accepted (at page 262 of the Trial Bundle): “...I was driven by anger, frustration, irrational emotions and this is how I lash out.” In my judgment, this undermines her later suggestion that her use of racist language arose from an intention to be transparent or to avoid misleading the public. Although Ms Grzelczak did not explicitly describe her conduct as a misguided attempt “to demonstrate a zero tolerance approach to any dishonesty”, her explanation implied that the repeated references to ethnicity reflected a wish to be accurate. I do not accept that account given her reference to feeling shame upon being connected an “Indian company.” As the Tribunal found, this does not coherently explain the repeated use of racially motivated language. On the evidence, I find that Ms Grzelczak lashed out in anger, using racist comments because she knew they would be hurtful. I therefore agree with the Tribunal’s findings that she has not “engaged properly with the nature of

[her] misconduct”, has “sought to downplay [her] culpability”, and has demonstrated only limited insight.

44. Whilst I agree with the Tribunal that Ms Grzelczak’s insight at the material time was limited, I do not accept that the evidence supports a conclusion that she demonstrated the kind of persistent lack of insight contemplated in the Sanctions Guidance as a factor pointing towards erasure. The Guidance identifies “a persistent lack of insight into the seriousness of actions or their consequences” as behaviour fundamentally incompatible with ongoing registration.
45. However, Ms Grzelczak admitted the allegations in full at the outset of the hearing, accepted that her conduct amounted to misconduct, and accepted that her fitness to practise was impaired. She produced a written reflections document, albeit belatedly, and engaged with questions from the Tribunal concerning the nature and seriousness of her actions. Although at times her explanations were inadequate and revealed attempts to minimise or rationalise her conduct, they do not demonstrate an entrenched or enduring refusal to acknowledge wrongdoing. Rather, they point to an individual who struggled to articulate coherent insight, particularly in relation to the racist nature of her comments, but who nevertheless accepted responsibility for their behaviour and its consequences. In my judgment, this evidence falls materially short of establishing the kind of sustained, deep-seated attitudinal defect or persistent lack of insight that would render erasure the only proportionate sanction.

Remediation

46. Having concluded that Ms Grzelczak’s insight was limited, the Tribunal found (at para 29): “Similarly, whilst the Committee notes that you have taken some steps to attempt to remedy your misconduct, the Committee finds that these steps are minimal.” At para 31, it identified “shortcomings in [Ms Grzelczak’s] remediation”, but did not explain what those shortcomings were.
47. On 21 July 2023, about a month before the first of the four misconduct emails, Ms Grzelczak participated in the ‘Practitioner Advice and Support Scheme’ (the “PASS scheme”), as part of the outcome of an earlier fitness to practise hearing. The skeleton argument on behalf of the GDC submits that on 15 December 2024, upon completion of the PASS scheme, Ms Grzelczak’s mentor recorded: “Reflection writing has not been her strength and she accepts it. She has been advised about its importance and ways to improve for the future.” The full paragraph reads:

“Hanna has done the various CPD courses for understanding and learning more about Legal and Ethical practice. Hanna is keen to maintain and further develop appropriate Personal and Professional behaviour . Equality, Diversity and Inclusion (EDI) awareness has been an especially important part of her developmental journey. She has provided some reflective summary to demonstrate her understanding of the topics but she intends to future proof this element of her professional development. Reflection writing has not been her strength and she accepts it. She has been advised about its importance and ways to improve for the future.”

48. Whilst there was reference by the mentor to Ms Grzelczak’s reflection writing as having “not been her strength”, that is not the same as saying there were shortcomings. Indeed, the overall finding on her progress was recorded as follows:

“HG has made progress through the PASS process. She has undertaken the CPDs as required and has made attempts to write better reflections. She has struggled with reflections and is aware that being insightful is an important step to be able to improve in the future. She also understands importance of verbal and nonverbal communication which is another area to be improved.”

49. There is no dispute that Ms Grzelczak completed relevant CPD modules that were consistent with the PASS scheme’s fourth objective, described as “Professional Ethics.” The modules were:
- a. ‘Maintaining Appropriate Personal & Professional Behaviour’ on 12 March 2024.
 - b. ‘Professionalism’ on 16 September 2024.
 - c. ‘Communicating with Professional Colleagues’ on 18 September 2024.
 - d. ‘Equality and Diversity in the Dental Practice’ on 9 July 2025.
 - e. ‘Maintaining Appropriate Personal & Professional Behaviour’ on 10 July 2025.
50. The last two CPD modules from July 2025 were completed by Ms Grzelczak after the mentor’s comments of 15 December 2024 and after completion of the PASS scheme. The accompanying “reflective learning” from Ms Grzelczak for the 10 July 2025 module reads as follows:

“What did you learn from this course?

I learned about the public's and the profession's expectations regarding the standards of behaviour and personal conduct of dental professionals. I reminded The Standards for the Dental Team. Anyone who has worked in a trusting team will understand the sense of well-being generated by this type of environment. Conversely, anyone unfortunate enough to work in a damaged environment and team will recognize the challenges and difficulties associated with this problem. Lying and manipulation can break the bond of trust. Many people will give a colleague the benefit of the doubt once or twice. But when someone is repeatedly dishonest, trust will be lost.

How will you apply this course to your profession?

The course equipped me with the tools and information to help me build and maintain my patients' and colleagues' trust and respect. I gained a better understanding of the legal requirements, rules, and guidance relevant to your dental professional role. I know the Standards for the Dental Team and how my personal and professional behaviour influences patients' trust and respect for their dental team.

How will you maintain this knowledge in the future?

By understanding the expectations of the public and the profession related to the standards of behaviour and personal conduct of dental professionals, I will be able to maintain high standards and provide quality care to your patients. It will empower me to make informed decisions and maintain high personal and professional conduct standards in your practice.

How will you continue to develop in this area?

I will search for further courses about maintaining appropriate professional behaviour.”

51. I recognise that the completion of relevant CPD modules with accompanying reflective writing may be an area where ordinarily I ought to defer to the expertise of the Tribunal. However, the Tribunal did not adequately explain its finding, as it did not identify the shortcomings in remediation or give reasons for that conclusion. If the Tribunal’s finding on remediation was based on the PASS scheme mentor’s December 2024 comments, in my judgment this is not a fair assessment of the totality of the evidence, given Ms Grzelczak’s continued engagement with relevant CPD modules and ongoing attempts to improve her reflective writing in July 2025. Indeed, there appears to have been little, if any, recognition of this in the Tribunal’s determination.

The risk of repetition

52. At para 31 of its determination, the Tribunal found that the “resulting lack of insight” meant that it “cannot be satisfied that a risk of [Ms Grzelczak] repeating [the] misconduct is highly unlikely.” It went on to find: “Your lack of insight is mirrored by, and is no doubt likely to have resulted in, shortcomings in your remediation.” At para 32, the Tribunal found that Ms Grzelczak posed “a risk to the public on account of the shortcomings in your insight and remediation” such that she was “liable to repeat [her] misconduct.”
53. Whilst I agree with the Tribunal’s finding that Ms Grzelczak’s insight was limited, I do not accept that it demonstrated a persistent lack of insight. Nor do I agree with the Tribunal’s findings on remediation, for the reasons I have already given. When giving evidence on why she would not repeat her misconduct, Ms Grzelczak stated the following (at page 269 of the Bundle):

“I think the experience I have gone through, it’s changed me completely, so I did something like (inaudible) of my mind, and the lessons I have received from so many sources, they will stay with my mind forever. I am sure I will not be driven by emotions. I see a massive difference in my communications now. I am more attentive, what I am doing, what environment I am at and to what I am saying. I would say I speak now much more less and everyone did notice that. Definitely I am more thinking and I remember my past, past experience and past mistakes. I don’t think so that people with such experience and mistakes will repeat that mistakes again (sic). That, in my opinion, is impossible in my case. The PASS programme, which was very extensive one and very long one, had a big impact on me because I had sacrificed lots of time and energy and attentions to that and I studied every details of my behaviour in my past in very wide approach. I done many, many reflections and I see how more stabilised I am, how more resilient I

am, even now during this hearing. I feel strong because of that programme I have graduated from.”

54. When asked whom she could reach out to for support in the future, Ms Grzelczak continued:

“It depends, of course, on circumstances but if I see I am exposed to the stress, first of all I know I will stop work. There is lots of contacts I have gained during recovery programme and these contacts are still checking me and messaging me so I know I am not alone, so that makes me more confident because that’s completely different what I was before. I have a big network in Hampshire and Isle of Wight of professionals, dental professionals, NHS and private, and also psychologist and medical professionals, so I know, with that network, there won’t be such a situation that I will be left alone with my feelings and my sensations. I will always now get support.”

55. I find that Ms Grzelczak’s evidence is consistent with her completion of the PASS scheme, the CPD modules completed thereafter, and her improved accompanying reflective learning. Additionally, I find that a period of suspension, with its consequential impact on reduced income and professional reputation, is likely to have a strong deterrent effect that would reduce the risk of repetition. This is not a factor that the Tribunal appears to have considered. Whilst limited insight may increase the risk of repetition, it is not determinative. Taken together, the passage of time without further incident, Ms Grzelczak’s admissions and engagement with remediation, including her limited reflective work, her oral evidence indicating some behavioural change, and the prospect of suspension itself operating as a significant disincentive from further misconduct, all point towards a reduced risk of repetition.

The risk of harm

56. Even if I am wrong in my conclusion on the risk of repetition, the language used in the Sanctions Guidance in relation to erasure refers to cases “where serious harm to patients or other persons has occurred” or “where a continuing risk of serious harm to patients or other persons is identified.” By contrast, when addressing the issue of harm, the Tribunal consistently articulated its analysis in the following terms:
- a. “The Committee considers that you are liable to repeat your misconduct, and that such a repetition entails a risk of harm to a person or persons who could receive racially-motivated communications from you in the future.” (para 32);
 - b. “Your misconduct was sustained and repeated over a period of approximately four weeks. Your conduct posed a risk of harm.” (para 38);
 - c. “In the Committee’s judgement the public would be placed at unwarranted risk of harm if no action were taken or if a reprimand were issued.” (para 39); and
 - d. “Your unremediated behaviour presents an ongoing risk of harm to a person or persons who could receive racially-motivated communications from you in the future.” (para 42).

57. The Tribunal did not identify either actual serious harm or a risk of serious harm, as contemplated in the Sanctions Guidance as indicating when erasure may be appropriate. Whilst the Guidance does not prescribe mandatory criteria, it provides an important framework against which the proportionality of erasure is ordinarily assessed. On the Tribunal's own findings, the harm it identified fell materially short of the level of seriousness the Guidance associates with the most severe sanction. Its findings were consistently and expressly framed only in terms of a general risk of harm, rather than a risk of serious harm. Accordingly, even if I am wrong in my assessment of the risk of repetition, the Tribunal's findings on harm do not support erasure on public protection grounds.
58. My own assessment of Ms Grzelczak's emails is that whilst they were plainly offensive, inappropriate and racially motivated, they do not approach the level of conduct that would give rise to a risk of serious harm of the kind contemplated in the Sanctions Guidance for a sanction of erasure. The four emails consisted of disparaging and racially motivated remarks directed at an organisation and at administrative staff, expressing a wish not to be associated with "Indian dentistry", describing Damira Dental Studios as an "Indian company", referring to "Indian implants", and asserting that "Indian should share money with Indian."
59. Such comments represented a serious departure from the professional standards. However, they were confined to written communications sent to administrative staff at Damira Dental Studios and did not directly threaten or personally target those individuals with abuse. The emails did not involve patients, nor give rise to any immediate risk to patient safety, clinical care, or the physical or psychological wellbeing of others. Whilst they had the potential to cause some distress and harm, their gravity lies in their unprofessional and racially motivated nature rather than in any potential to cause serious harm.

The Appropriate, Necessary and Proportionate Sanction

60. Taking all of these matters together, a fair and balanced application of the Sanctions Guidance, informed by relevant authority, leads me to conclude that a period of suspension is capable of addressing the public protection and public interest concerns raised by Ms Grzelczak's misconduct. Erasure would therefore have been excessive and disproportionate. The threshold for erasure is met only where the misconduct has caused serious harm or presents a continuing risk of serious harm, or where the behaviour is so fundamentally incompatible with continued registration that no lesser sanction will suffice. That would include, for example, cases where the attitudinal concern is entrenched or irremediable. This is not such a case.
61. In my judgment, a period of suspension is both appropriate and necessary in the public interest. Suspension is expressly contemplated by the Sanctions Guidance in circumstances where there is evidence of repetition of the behaviour and where a registrant has not shown insight. It is a sanction that will mark the seriousness of the misconduct, uphold professional standards, and provide an opportunity for Ms Grzelczak to demonstrate continued remediation.

62. The Sanctions Guidance makes clear that when imposing a period of suspension, the Tribunal must decide whether the suspension is to be lifted automatically at its conclusion or whether a review hearing will be required. Para 6.23 states that if a review hearing is to take place, the Tribunal should indicate what information it expects the registrant to provide at that review. Para 6.29 further provides that the Tribunal may specify appropriate and practical actions for the registrant to complete during the suspension period and that such actions should be capable of verification.
63. Applying those principles, I consider that a period of suspension of 6 months, taking effect on the determination of this appeal, is justified and proportionate. The misconduct was serious, racially motivated and repeated. A shorter period would not afford sufficient opportunity for Ms Grzelczak to undertake meaningful remediation or adequately reflect the gravity of the misconduct for the purposes of maintaining public confidence and upholding proper professional standards. Given the attitudinal concerns identified and the limited insight demonstrated to date, this suspension will be subject to a review hearing at its conclusion.
64. At the review hearing, Ms Grzelczak will need to provide further evidence demonstrating that she has maintained and built upon the remediation already begun. That evidence should include continued completion of CPD addressing issues of discrimination, respectful communication and professional behaviour, with accompanying reflective learning. Ms Grzelczak should also provide a substantive and updated reflection statement demonstrating insight into her misconduct, its impact on public confidence, and how she will avoid repetition in the future.

Conclusion

65. For the reasons set out above, I conclude that the Tribunal's approach to sanction was flawed. It misapplied the Sanctions Guidance, failed to identify or explain the asserted shortcomings in remediation, and reached a conclusion on proportionality that the evidence did not support. Whilst I accept that Ms Grzelczak has demonstrated only limited insight into her misconduct, there is nevertheless evidence of remediation, a reduced risk of repetition, and no identified risk of serious harm. In those circumstances, the sanction of erasure was excessive and disproportionate. In my judgment, a period of suspension is both appropriate and necessary in the public interest. Accordingly, the appeal is allowed. I therefore substitute the sanction of erasure with a direction that Ms Grzelczak's registration be suspended for a period of 6 months, such suspension to be subject to a review hearing at which the matters identified above are to be addressed.