

**Lawrence Oduro Koranteng**

*Appellant*

*v.*

**The General Dental Council**

*Respondent*

FROM

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

-----  
ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL  
COMMITTEE OF THE PRIVY COUNCIL,  
DELIVERED THE 19TH MAY 1994  
-----

*Present at the hearing:-*

LORD JAUNCEY OF TULLICHETTLE  
LORD LLOYD OF BERWICK  
LORD NOLAN

*[Delivered by Lord Jauncey of Tullichettle]*

-----  
Mr. Koranteng obtained a dental degree at Newcastle College of Durham University in 1959. After working in Ghana for some fourteen years he returned to England to work at the Edgware Hospital and St. Thomas's for a period of some years. After a further period of six years in Ghana he returned permanently to England where he worked with his brother in Gateshead until 1977, acquiring his own practice in Sunderland in that year, a practice which he still owns.

In 1989 Mr. Koranteng started to work for two days a week in a dental surgery in Hartlepool. It was owned by a dental technician, Mr. Callan. In November 1992 Mr. Koranteng appeared before the Professional Conduct Committee of the General Dental Council to face nine charges alleging serious professional misconduct. He was represented by counsel. Two of the charges related to advertisements in which Mr. Koranteng claimed to offer National Health Service treatment at specified premises when he was not on the appropriate National Health Service dental list. Two of them related to instances where he had described himself as a consultant dental surgeon and the remainder related to the failure to employ a proper degree of skill and attention in providing treatment to named patients and in permitting Mr. Callan to hold himself out as a dentist and adviser on treatment. The remaining two charges related to prescriptions.

The Professional Conduct Committee found that Mr. Koranteng was guilty of serious professional misconduct but they postponed determination and, in response to an undertaking that he would sever all business connections with Mr. Callan, they pronounced the following determination, the relevant of part which is as follows:-

"The Committee is also concerned at the standard of skill that has been demonstrated. The Committee hopes, however, that your appearance here will have had a salutary effect upon you and that you will follow it up with regular attendance at appropriate postgraduate instruction, to ensure that the treatment you provide will be of the standard which the public and your profession are entitled to expect.

The Committee would expect you to attend courses directly relevant to basic dental procedures and treatment planning, and to provide evidence of a marked improvement in your competence in these areas in particular.

The Committee has decided to keep your conduct under surveillance and to postpone determination of this case until its meeting in November 1993. Shortly before that time you will be required to furnish the Council with the names of professional colleagues and other persons of standing to whom it may apply for information concerning your conduct in the interim and the steps you have taken to comply with the Committee's recommendations. You should ensure that you inform those you intend to nominate of the terms of this determination."

In late July or early August 1993 Mr. Koranteng was given notice of ten further charges of serious professional misconduct which it was intended to bring before the Professional Conduct Committee in November 1993 when the postponed determination of the charges in November 1992 was to be heard. Of the ten new charges eight related to failure to employ a proper degree of skill and attention in providing treatment to specified patients. Two of these involved, in particular, a failure to ensure that appropriate radiation protection measures were adopted for the safety of the patient and staff and one of them involved the charge that there had been a failure to make arrangements to ensure that the patient had access to emergency treatment. Four of these eight charges related to permitting Mr. Callan to hold himself out as a dentist and advise upon treatment and of these four, two also alleged that Mr. Koranteng had permitted Mr. Callan to carry out work amounting to the practice of dentistry as defined in section 37 of the Dentists Act 1984. The remaining two charges related to the issue of National Health Service prescriptions. All ten charges related to events occurring prior to the previous hearing in November 1992.

At the outset of the hearing in November 1993, it was admitted on behalf of Mr. Koranteng that he had failed to keep adequate records of treatment as alleged against him in relation to two of the charges; and also it was admitted that he had, in one case, failed to have a properly trained and experienced assistant present to assist him, and in the case of the same patient that he had failed to make arrangements to ensure that the patient had access to emergency treatment and also that he had improperly issued National Health Service prescriptions on some three occasions.

During the course of the proceedings, it was further admitted by Mr. Koranteng that, in the case of the two patients to whom related the charge that he had failed to ensure that proper radiation protection metals were adopted, that he had failed to provide those patients with lead aprons. It was also admitted during the course of the proceedings that he had failed to wear gloves during treatment except where blood was likely to be involved. On this occasion Mr. Koranteng was represented by leading counsel. Evidence was led over a period of three days and the Committee found that Mr. Koranteng was guilty of serious professional misconduct in relation to the various charges.

At the conclusion of the proceedings the Committee's determination was the following effect:-

"In relation to its finding following proof of facts against you in the new charge that you have been guilty of serious professional misconduct, the Committee has directed the Registrar to erase from the Dentists Register the name of Lawrence Oduro Koranteng.

When you appeared here in November 1992, the Committee postponed determination for 12 months. The Committee noted your undertaking in relation to Mr. and Mrs. Callan. The Committee stated in simple terms that the standard of your conduct fell far short of that to be expected by a professional man. The Committee also expressed the hope that you would attend appropriate courses of postgraduate instruction relevant to basic dental procedures and treatment planning. The Committee accepts that you have disassociated yourself professionally from Mr. and Mrs. Callan. The Committee is concerned to discover that you have failed to follow the other recommendations of the Committee or to take any satisfactory steps to comply with them. In particular, you have failed to take the necessary steps to improve your competence in basic dental procedures and treatment planning. I have to announce that the Committee has directed the Registrar to erase from the Dentists Register the name of Lawrence Oduro Koranteng."

In his appeal to this Board, Mr. Koranteng explained that he felt that he was being punished twice for the same offence. He pointed out that all the offences with which he was charged for the first time in 1993 had taken place prior to the hearing in 1992 and he expressed the view that, having been dealt with in 1992, he should not have matters raised against him of the same nature as those which had been raised in 1992. However, it is clear that, apart from the question of Mr. Callan which the Committee treated as having been resolved by 1992, serious matters were brought before them in November 1993, in particular the matters relating to the failure to take proper steps to protect patients against the dangerous radiation and the failure to wear gloves during the course of treatment. These are matters of which the Committee certainly took a serious view and which, it appears to this Board, they were entitled so to do.

In relation to the determination of 1993, in so far as it relates to the 1992 charges, it is true to say that Mr. Koranteng did attend postgraduate instruction and provided the Committee with information to that effect. Indeed he appears to have attended courses on a considerable number of occasions between January and November 1993. However, these courses, as Miss Foster pointed out, did not relate to basic dental procedures for treatment but rather to more sophisticated matters and the only evidence which was placed before the Committee as to his attendance at any course relating to such basic matters was a letter from his brother under whose supervision Mr. Koranteng said he had worked. The Committee clearly felt that fell short of what they had required in November 1992 and indeed the Board does not think they can be faulted for reaching this conclusion.

It is only on rare occasions that the Board are in a position to displace a finding or order of the Professional Conduct Committee of the General Dental or General Medical Council. It must either be shown that something went wrong in the conduct of the trial or that the wrong legal principles were applied or that the findings of the Committee were so far out of tune with the evidence as to indicate with reasonable certainty that they had misunderstood that evidence. None of these situations arise in the present case. Mr. Koranteng was ably represented before both hearings of the Professional Conduct Committee and this Board can see no reason to interfere with the conclusion which the Committee reached in November 1993.

Their Lordships will accordingly humbly advise Her Majesty that this appeal ought to be dismissed. The appellant must pay the respondent's costs.