

ON PAPERS**Registration Appeals Committee
(CPD Appeal)****25 March 2024****Name:** ALKHAFADJI, Amir**Registration number:** 301266**Case number:** CAS-209288

General Dental Council: Samantha Boafo, ILAS**Registrant:** Unrepresented

Outcome: Appeal dismissed

Committee members: Anthony Mole (Lay) (Chair)
Alison Mayell (Dentist)
Victoria Hewson (Dental Care Professional)**Legal adviser:** William Hoskins**Committee Secretary:** Andrew Keeling

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1. This was an appeal meeting before the Registration Appeals Committee (RAC). The meeting was conducted remotely on Microsoft Teams.
 2. The appeal was against the decision of the Registrar of the General Dental Council (the Council) to erase Mr Alkhafadji from the Register for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements. The meeting was held in accordance with the terms of the General Dental Council (Registration Appeals) Rules Order of Council 2006 ('the Registration Appeal Rules'), pursuant to Schedule 4A of the Dentists Act 1984 (as amended) ('the Act').
 3. Neither party was present at today's meeting. The Committee first considered the issues of service and whether to proceed with the meeting on the papers in the absence of Mr Alkhafadji and any representatives for either party. The Committee accepted the advice of the Legal Adviser on both of these matters.

Decision to conduct the appeal in the absence of Mr Alkhafadji and on the papers

4. Notification of this appeal was sent to Mr Alkhafadji by Recorded Delivery and secure email on 20 February 2025 in accordance with Rule 5 of the Registration Appeal Rules.
5. The Committee noted that conducting the appeal on the papers is the default position of the GDC unless an appellant requests an oral hearing. It took into account that the GDC's acknowledgement of Mr Alkhafadji's appeal, dated 28 November 2024, informed Mr Alkhafadji that he could request an oral hearing within 28 days of the date of the letter. Having considered the documents provided, the Committee was satisfied that Mr Alkhafadji had made no such request.
6. The Committee noted that the bundle of documents and case summary that the Committee would be considering were sent to Mr Alkhafadji by Recorded Delivery and secure email on 6 March 2025.
7. In the circumstances, the Committee was satisfied that it was appropriate to consider today's appeal in the absence of either party and on the papers.

Summary of the Legal Framework

8. The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 ('the CPD Rules') set out the CPD requirements placed on DCP registrants as of 1 August 2018, and the steps that the GDC shall take in respect of registrants' compliance and non-compliance with those requirements.
9. The current CPD Rules came into force on 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018.
10. In accordance with Rule 1, a 'CPD cycle' means, in respect of a dental care professional, a period of five years beginning on 1 August following the date the dental care professional is first registered and each subsequent period of five years. A 'CPD year' means, in respect of a dental care professional, a period of 12 months beginning on 1 August in any calendar year.
11. Rule 2(1) of the CPD Rules sets out the minimum number of hours of CPD a practitioner must complete within their CPD cycle.
12. Rule 2(5)(b) of the CPD Rules requires dental care professionals to undertake at least 10 hours of CPD during each period of two consecutive CPD years (including any such two-year period which spans over more than one CPD cycle).

13. Rule 3 provides the requirement that all registrants must maintain a written record of all CPD that the practitioner plans to undertake and has undertaken during the CPD cycle. Rule 3 also sets out what the written record must include.
14. Rule 4 of the CPD Rules states that for each CPD year, a practitioner must submit to the Registrar a statement which confirms the number of hours of CPD undertaken during that corresponding year or, if the practitioner has not undertaken any CPD in that CPD year, confirmation that no CPD has been undertaken. The practitioner must also confirm in this statement that they have kept a CPD record, that the CPD undertaken (where applicable) was relevant to the practitioner's field of practice and declare the information in their statement is full and accurate. This statement must be completed within 28 days of the end of that CPD year.
15. Rules 6 and 7 prescribe various notification requirements under which the Registrar may require a practitioner to, among other things, submit their CPD record and/or provide evidence of their compliance with the CPD requirement.
16. Rule 8 provides that the Registrar "*may erase the practitioner's name*" in circumstances where the practitioner has either failed to comply with a notice sent under Rule 6 or 7, or where the Registrar is not satisfied from the response provided by the practitioner that they have met the CPD requirement and/or other related obligations under the relevant Rules.

Summary of the factual background

17. Mr Alkhafadji first registered with the Council as a dental care professional, with the title Dental Nurse, on 23 June 2022. Therefore, in accordance with Rule 1 as set out above, Mr Alkhafadji's current CPD cycle began on 1 August 2022 and will end on 31 July 2027. The CPD period which has been assessed, and the evidence for which has been deemed non-compliant, and which is the subject of this appeal, is Mr Alkhafadji's CPD years for the period 1 August 2022 to 31 July 2024.
18. On 24 November 2023, Mr Alkhafadji submitted an annual CPD statement for the 2023-2024 CPD year, declaring that he had completed 0 verifiable CPD hours.
19. On 22 May 2024, the Council sent an email reminder to Mr Alkhafadji's registered email address. This reminder notified Mr Alkhafadji that his CPD year was coming to an end and reminded him that he was required to submit his CPD statement, detailing how many CPD hours he had completed during that year, by 28 August 2024. Mr Alkhafadji was advised that if he did not submit a compliant statement before the deadline, his registration may be put at risk.
20. On 11 June 2024, the Council also sent Mr Alkhafadji an Annual Renewal Notice letter by post to his registered address. The Annual Renewal Notice is designed to remind registrants that their registration with the Council is due for renewal, of the need to pay their annual retention fee and make their indemnity declaration and of

the need to make their CPD statement. Mr Alkhafadji was also reminded in this notice that he was required to submit his CPD statement by 28 August. Mr Alkhafadji was also reminded in the Annual Renewal Notice that he was required to submit his CPD statement each year and he was also required to declare at least 10 hours of CPD for every two consecutive CPD years.

21. Between 12 June 2024 and 28 August 2024, four email reminders were sent to Mr Alkhafadji's registered email address and three SMS reminders were sent to his registered mobile number reminding him to submit his CPD statement.
22. On 25 September 2024, the Council sent a notice under Rule 6 to Mr Alkhafadji by recorded delivery to his registered address. The notice stated that, although Mr Alkhafadji had submitted a CPD statement to the Council, he had not declared enough hours to meet the requirement to complete a minimum of 10 hours of CPD over two consecutive years. It was noted that he had submitted an annual CPD statement of zero verifiable hours for the 2022-2023 CPD year and an annual CPD statement of zero verifiable hours for the 2023-2024 CPD year. The notice stated that if Mr Alkhafadji wished to retain his registration, he should submit his CPD record to the Registrar by 23 October 2024 in order to demonstrate that he had met the requirement. Mr Alkhafadji was informed that if the Council did not receive a response to the notice or if his response was unsatisfactory, he may be erased from the dental care professionals' register. On 27 September 2024, a copy of the notice was also sent via email to Mr Alkhafadji's registered email address.
23. On 5 November 2024, the Council sent a Rule 8 notice to Mr Alkhafadji's registered address by recorded delivery. This notice confirmed that Mr Alkhafadji had failed to provide a compliant CPD record demonstrating that he had met the minimum requirement for the period 1 August 2022 to 31 July 2024 and that as a result, the Registrar had made the decision to remove his name from the dental care professionals' register for non-compliance with the Rules. Mr Alkhafadji was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 December 2024. On 6 November 2024, a copy of the notice was sent via email to Mr Alkhafadji's registered email address.
24. On 8 November 2024, the Council received an email from Mr Alkhafadji in which he stated that he had not received anything from the Council, but he had 10 hours of CPD registered on the system.
25. On 11 November 2024, the Council contacted Mr Alkhafadji via his registered email address. The Council acknowledged that Mr Alkhafadji had declared 10 verifiable hours for the cycle year 1 August 2024 – 31 July 2025, however, his declaration for the cycle year 1 August 2023 – 31 July 2024 was still outstanding. Mr Alkhafadji was also advised that he was issued a Notice 8 on 5 November 2024 which he should read and respond to accordingly.
26. On 11 November 2024, Mr Alkhafadji responded via email to the Council and informed that he was unable to access previous years on the system, but he could confirm that he has completed 10 hours that year.

27. On 12 November 2024, the Council responded to Mr Alkhafadji via email. The email advised that once the deadline passes to make an annual CPD statement, the cycle year will then lock and he would not be able to update his CPD hours after the deadline. It was noted that he had previously declared zero hours in 2022-2023 and in 2023-2024, which was not enough to satisfy the 10 hours over two consecutive years requirement. The email further advised that he had been issued with a Notice 8 on 5 November 2024, and any correspondence must be sent by 3 December 2024.

The Appeal

28. On 20 November 2024, the Council received a Notice of Appeal (NOA) via email from Mr Alkhafadji which confirmed that he wished to appeal against the decision to remove him from the dental care professionals' register.
29. Within the NOA, Mr Alkhafadji stated that he had failed to meet the CPD requirements due to not being aware of the requirements to update every two years and being misinformed by another dental professional. He explained that he had not been receiving his emails as they went to his junk mail hence why he did not appeal earlier. Mr Alkhafadji also stated that he sincerely apologises and would like to keep his registration
30. On 21 November 2024, Mr Alkhafadji's CPD evidence was assessed by a Registration Operations Officer. Mr Alkhafadji was deemed to be non-compliant with his CPD requirements on the basis that he had 10 verifiable CPD hours outstanding for the period 1 August 2022 to 31 July 2024. It was confirmed that, as of 21 November 2024, Mr Alkhafadji had completed zero verifiable CPD hours between 1 August 2022 and 31 July 2024.

Submissions

31. In the GDC's written submissions, the Registrar's position was set out as follows:

'It is the Registrar's position that Mr Alkhafadji is non-compliant with the CPD requirements because he has failed to provide a CPD record demonstrating that he has completed the minimum requirement for the period 1 August 2022 to 31 July 2024, in accordance with Rule 2.

It is submitted by the Registrar that Mr Alkhafadji was reminded on numerous occasions of the need to complete his CPD hours and of the requirement to complete 10 verifiable CPD hours in each two-year period, as set out in detail above.

As set out above in the legal framework, there is no power to waive these provisions.

The Registrar submits that Mr Alkhafadji would have had sufficient opportunities to complete the required CPD and further, he ought to be aware of the requirements for continued registration, which includes ongoing compliance with the CPD requirements annually and during each two-year consecutive CPD cycle.

The Registrar submits that it is a Registrant's responsibility to ensure that they meet their CPD requirements, as CPD compliance is a legal requirement of registration.

As of 21 November 2024, Mr Alkhafadji had completed 0 verifiable CPD hours between 1 August 2022 and 31 July 2024, which clearly breaches the requirement that dental care submit evidence that they have completed a minimum of 10 verifiable CPD hours in each two-year period.

It is open to Mr Alkhafadji to apply to restore his registration at any time following this appeal.'

Committee's decision and reasons on the appeal

32. The Committee had regard to the documentary evidence provided today and took account of the written representations made by the GDC and Mr Alkhafadji's Notice of Appeal. It accepted the advice of the Legal Adviser. The Committee also took note of the GDC's *Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance* (February 2024).
33. The first consideration for the Committee was whether Mr Alkhafadji had complied with his obligations under the CPD Rules by demonstrating completion of at least 10 hours of verifiable CPD within the period, 1 August 2022 to 31 July 2024.
34. Having carefully reviewed the CPD records which Mr Alkhafadji submitted, the Committee determined that he has not completed any verifiable hours of CPD within the period of 1 August 2022 to 31 July 2024. This was consistent with the Registrar's assessment that Mr Alkhafadji was 10 hours short in the relevant period. Therefore, the Committee determined that Mr Alkhafadji is not compliant with his statutory obligations under the CPD Rules.
35. The Committee was satisfied that the required notices had been duly served on Mr Alkhafadji in accordance with the Rules and that the correct procedure leading to the Registrar's erasure decision had been followed. The remaining consideration for the Committee was therefore whether the Registrar's decision to erase should be allowed to stand.
36. The Committee recognised that the CPD requirement is a mandatory statutory requirement which applies to all registered dental professionals. Compliance is important in helping to ensure patient safety and in maintaining wider public

confidence in the profession so as to meet the overarching objective of the GDC under Section 1 of the Act.

37. Therefore, having regard to all the circumstances, the Committee determined that there were no grounds on which this appeal should be allowed. Mr Alkhafadji had failed to demonstrate that he was compliant with his obligations under the CPD Rules. The decision of the Registrar to erase his name was reached correctly in accordance with the procedural requirements of the Rules and following repeated reminders to Mr Alkhafadji of his obligations under the CPD Rules and the importance of compliance in order to maintain continued registration.
38. This appeal was accordingly dismissed.
39. Unless Mr Alkhafadji exercises his right of appeal to the court, the erasure decision will take effect upon the expiry of the 28-day appeal period. It will then be open to Mr Alkhafadji to apply for the restoration of his registration if he meets the CPD and other requirements for restoration.
40. This will be confirmed to Mr Alkhafadji in writing.
41. That concludes this determination.