

**ON PAPERS****Registrations Appeal Hearing  
CPD Appeal Hearing****9 April 2024****Name:** PATU, Floarea**Registration number:** 272553**Case number:** CAS-205533

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**General Dental Council:** Amrit Sagoo, ILAS**Registrant:** Unrepresented

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**Outcome:** Appeal dismissed

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**Committee members:** Martin Isherwood (Chair, Dental Care Professional member)  
Anjana Varshani (Dentist member)  
Louise Wallace (Lay member)**Legal adviser:** Trevor Jones**Committee Secretary:** Andrew Keeling

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At this meeting the Committee made a determination that includes some private information. That information shall be omitted from the public version of the determination and the document marked to show where private material has been removed.

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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 (GDC) to erase Mrs Patu 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 Mrs Patu 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 Mrs Patu and on the papers**

4. Notification of this appeal was sent to Mrs Patu by Recorded Delivery and secure email on 5 March 2024 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 Mrs Patu's appeal, dated 19 January 2024, informed Mrs Patu that she could request an oral hearing within 28 days of the date of the letter. Having considered the documents provided, the Committee was satisfied that Mrs Patu 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 Mrs Patu by Recorded Delivery and secure email on 8 March 2024.
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.

### **Private Application**

8. The Committee noted the GDC's application, made in their written submissions, for today's meeting to be part-held in private. In the absence of either party, the Committee's consideration of the appeal was conducted on the basis of the papers in the absence of any public observers. Nevertheless, in light of some of the information before it, which relates to Mrs Patu's private life, and following advice from the Legal Adviser, the Committee had regard to its power under Rule 14 of the Registration Appeal Rules. It decided that it would produce a private and public version of its determination.

### **Summary of the Legal Framework**

9. 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.

10. The current CPD Rules came into force on 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018.
11. 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.
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.
17. In accordance with Rule 9, it is open to the practitioner who has not complied with the CPD requirement as set out in Rule 2 in respect of a CPD cycle, to apply in writing to the Registrar for a further period in which to complete the outstanding CPD in respect of that cycle (a "period of grace"). They must do so before the end of the CPD cycle but no sooner than six months before the end of the cycle.

## **Summary of the Factual Background**

18. Mrs Patu first registered with the GDC as a dental care professional, with the title Dental Nurse, on 18 August 2017. Therefore, in accordance with Rule 1 as set out above, Mrs Patu's current CPD cycle began on 1 August 2023 and will end on 31 July 2028. The CPD cycle which has been assessed and the evidence for which has been deemed non-compliant, and which was the subject of this appeal, was Mrs Patu's CPD cycle for the period 1 August 2018 to 31 July 2023.
19. On 9 October 2023, the GDC sent a notice under Rule 6 to Mrs Patu by recorded delivery to her registered address. The notice stated that, although Mrs Patu had submitted a CPD statement to the GDC, she had not declared enough hours to meet the requirement for the five-year CPD cycle. The notice stated that between 1 August 2018 and 31 July 2023 Mrs Patu needed to have completed a minimum of 50 hours of verifiable CPD, based on the Enhanced CPD (2018) scheme being applied.
20. Mrs Patu was informed within the notice that any written representations and evidence she wished to send to the Council must include the following for the period 01 August 2018 to 31 July 2023:
  - An up-to-date Personal Development Plan ("PDP");
  - A log or summary of the verifiable CPD activities complete; and
  - Documentary evidence in respect of each item of verifiable CPD completed.
21. The notice stated that if Mrs Patu wished to retain her registration, she should submit her CPD record to the Registrar by 6 November 2023 in order to demonstrate that she had met the requirement. Mrs Patu was informed that if the GDC did not receive a response to the notice or, if her response was unsatisfactory, she may be erased from the dental care professionals register.
22. On 19 October 2023, the Council received a letter, by post, from Mrs Patu, enclosing a number of CPD certificates. Within the covering letter, Mrs Patu explained that she has not been practising in a dental practice since September 2018 [IN PRIVATE – Text omitted]. Mrs Patu, stated that she had attempted to stay up-to-date during this time and completed her CPD online. [IN PRIVATE – Text omitted.] Lastly, Mrs Patu apologised for not being compliant and requested that the GDC to reconsider its decision as she now understood the consequences of non-compliance and regretted putting her registration at risk.
23. On 19 October 2023, Mrs Patu's CPD evidence was assessed by a Registration Operations Officer and a non-compliant letter sent to Mrs Patu by email on the same date. Mrs Patu was deemed to be non-complaint with her CPD requirements on the basis that despite the CPD evidence submitted, her evidence demonstrated she had completed 38 verifiable hours of CPD. Her CPD remained deficient because Mrs Patu did not submit sufficient CPD evidence to meet the CPD requirements to do and

keep records of 50 hours of verifiable CPD, across a 5-year CPD cycle. It was noted that Mrs Patu's CPD remained deficient because:

- She had not submitted sufficient evidence to demonstrate that she had completed a minimum of 50 verifiable CPD hours;
- 32 x CPD certificates were not dated within her CPD cycle and therefore were not applicable for this assessment;
- She did not submit her Activity Log; and
- She did not submit her Personal Development Plan.

24. In the letter Mrs Patu was advised by the GDC that as she had failed to meet the Enhanced CPD requirements, she had put her registration at risk. Mrs Patu was further informed that in order to maintain her registration, she must submit additional evidence to demonstrate that she had met the requirement to complete a minimum of 50 hours of verifiable CPD for the period of 1 August 2018 to 31 July 2023. In addition, Mrs Patu must provide a PDP and her Activity log and to do so by 6 November 2023.
25. On 2 November 2023, the GDC received by post additional CPD evidence, from Mrs Patu, alongside her Activity log covering the period August 2016 to July 2021 and August 2021 to July 2026.
26. On 3 November 2023, the GDC sent a further 'Non-compliant' letter, by email. This letter explained that, despite the CPD evidence submitted, her evidence demonstrated she had completed 38 verifiable hours of verifiable CPD. Her CPD remained deficient because Mrs Patu did not submit sufficient CPD evidence to meet the CPD requirements to do and keep records of 50 hours of CPD, across a five-year CPD cycle. In addition, it was noted that Mrs Patu had not completed a Personal Development Plan and a number of certificates provided were outside the 2018 - 2023 CPD cycle years. Mrs Patu was advised to await the decision from the GDC as she had failed to meet the Enhanced CPD requirements and had put her registration at risk.
27. On 29 November 2023, the GDC sent a Rule 8 notice to Mrs Patu's registered address by recorded delivery. This notice confirmed that Mrs Patu had failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period 1 August 2018 to 31 July 2023 and that as a result, the Registrar had made the decision to remove her name from the dental care professionals register for non-compliance with the Rules. Mrs Patu was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 January 2024.

## **The Appeal**

28. On 15 December 2023, the Council received a Notice of Appeal (NOA) via email from Mrs Patu which confirmed that she wished to appeal against the decision to remove her from the dental care professionals register. No further evidence was provided by Mrs Patu. Within the NOA, Mrs Patu outlines her personal circumstances that affected her ability to undertake the required CPD hours. Mrs Patu expressed that it was not her intention to be non-compliant and that she was not aware of the deadline of five years. Mrs Patu explains that there was a confusion with her online portal as she would submit her hours yearly right before the deadline however, she was not aware that this would be counted for the next CPD year.

29. [IN PRIVATE – Text omitted.]

30. Lastly, Mrs Patu says that she did not apply for a grace period as she did not know she was eligible on the grounds [IN PRIVATE – Text omitted]. Mrs Patu expresses that she feels that the GDC has a duty to inform and help professionals. Therefore, she asks the Council to extend her time for completion of the *“twelve remaining hours or to be added to the next year cycle”*.

31. On 29 December 2023, Mrs Patu's CPD evidence was assessed by the GDC. Mrs Patu was deemed to be non-compliant with her CPD requirements on the basis that she had 13 verifiable CPD hours outstanding for the period 1 August 2018 to 31 July 2023.

32. It was noted that the CPD certificates provided by Mrs Patu were for courses completed outside of the relevant period and therefore, they could not be counted for the purpose of the assessment. In addition, it is noted that Mrs Patu did not provide a Personal Development Plan. It was confirmed that, as of 29 December 2023, Mrs Patu had completed 37 verifiable CPD hours between 1 August 2018 to 31 July 2023.

## **Submissions**

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

*“It is the Registrar's position that Mrs Patu failed to submit a compliant CPD record for the CPD cycle 1 August 2018 to 31 July 2023, as is required under Rule 2. Mrs Patu has failed to declare enough hours to meet the requirements to complete a minimum of 50 hours of verifiable CPD across the five-year CPD cycle.*

*It is submitted by the Registrar that Mrs Patu was reminded on numerous occasions, via two different means of communication, of the need to complete her*

*CPD hours and of the requirement to complete the 50 CPD hours for the CPD cycle 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 acknowledges Mrs Patu's personal circumstances, however, the Registrar submits that Mrs Patu would have had sufficient opportunities to complete the required CPD and further, she ought to be aware of the requirements for continued registration, which includes ongoing compliance with the CPD requirements annually and during each five-year CPD cycle.*

*In relation to Mrs Patu away from work for a long period of time, [IN PRIVATE – Text omitted], the Registrar submits that even where Mrs Patu has taken a period of absence from work, but wishes to maintain her registration, she would be required to comply with the CPD requirements. This is because CPD is linked to registration and not employment and therefore, the Registrar submits that Mrs Patu would have been required to complete the necessary requirements for her CPD cycle.*

*Further, 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.*

*Lastly, in relation to Mrs Patu's submission that she would like the opportunity to complete her outstanding CPD hours, the Registrar submits that Mrs Patu was reminded on multiple occasions via three different means of communication of the need to submit the relevant CPD evidence prior to 28 August 2023 deadline. Further, Mrs Patu was made aware, in multiple reminders, of her eligibility to apply for a grace period, for additional time in order to be compliant, before 31 July 2023, however no request was made. The Registrar submits that, a grace period cannot be granted after the relevant CPD cycle has ended.*

*It is open to Mrs Patu to apply to restore her registration at any time following this appeal."*

### **Committee's Decision and Reasons on the Appeal**

34. The Committee had regard to the documentary evidence provided today and took account of the written representations made by both parties. 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) (GDC's Guidance).



35. The first consideration for the Committee was whether Mrs Patu had complied with her CPD requirement by demonstrating completion of at least 50 hours of verifiable CPD within the period 1 August 2018 to 31 July 2022.
36. Having carefully reviewed the CPD records which Mrs Patu submitted, the Committee determined that she demonstrated having completed 38 verifiable hours of CPD within the period 1 August 2018 to 31 July 2022. Accordingly, there is a shortfall of 12 hours. Therefore, the Committee determined that Mrs Patu was not compliant with her statutory CPD requirement.
37. The Committee was satisfied that the required notices had been duly served on Mrs Patu 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.
38. 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 public protection 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. The Committee noted the personal circumstances Mrs Patu outlined in her appeal. However, it considered that these did not amount to 'exceptional circumstances' as referred to in the GDC's Guidance. The Committee also noted Mrs Patu's comments that she was not aware of the CPD requirements. However, the Committee bore in mind that the onus was on Mrs Patu as a registered dental professional to ensure that she understood and met these requirements within her five-year CPD cycle. The Committee further noted that despite the GDC sending several reminders to Mrs Patu about the grace period, she did not apply for one or make any enquiries about it.
39. Therefore, having regard to all the circumstances, the Committee determined that there were no grounds on which this appeal could be allowed. Mrs Patu had failed to demonstrate that she was compliant with her CPD requirement. The decision of the Registrar to erase her name was reached correctly in accordance with the procedural requirements of the Rules and following repeated reminders to Mrs Patu of the CPD requirement and the importance of compliance in order to maintain continued registration.
40. This appeal was accordingly dismissed.
41. Unless Mrs Patu exercises her 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 Mrs Patu to apply for the restoration of her registration if she meets the CPD and other requirements for restoration.



42. This will be confirmed to Mrs Patu in writing.

43. That concludes this determination.