

ON PAPERS**Registrations Appeal Hearing
CPD Appeal Hearing****24 April 2025**

Name: MICHEL, Charlotte
Registration number: 255979
Case number: CAS- 209472-Z2P0D2

General Dental Council: Instructed by Sushuma Chandrasekhar, ILAS
Registrant: Unrepresented

Outcome: Appeal dismissed

Committee members: Kerry McKevitt (Chair, lay member)
Helen Baker (Dentist member)
Christopher Parker (Dental Care Professional member)

Legal adviser: Alexander Coleman

Committee Secretary: Sara Page

1. This is an appeal meeting before the Registration Appeals Committee (RAC). The appeal is against the decision of the Registrar of the General Dental Council (GDC) to erase Mrs Michel from the Register for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements. The hearing is being 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').
2. The hearing was conducted remotely via Microsoft Teams in line with current GDC practice. Neither party was present at today's hearing, following notification from the GDC that the appeal was to be conducted on the papers.

Preliminary matter

Decision to conduct the appeal in the absence of Mrs Michel and on the papers

3. Neither party was present at today's meeting. The Committee noted that conducting the appeal on the papers is the default position of the GDC unless an appellant requests an oral hearing. Having considered the documents provided, the Committee was satisfied that Mrs Michel had made no such request.
4. Notification of this appeal was sent to Mrs Michel by Recorded Delivery and secure email on 24 March 2025 in accordance with Rule 5 of the Registration Appeal Rules.
5. The Committee was satisfied that it was appropriate to consider today's appeal in the absence of either party and on the papers.

Decision and reasons on the appeal

Background

6. 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.
7. The CPD Rules came into force on the 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018.
8. 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.
9. Mrs Michel appealed against the Registrar's decision that her CPD is non-compliant because she had failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period 1 August 2022 – 31 July 2024.

Summary

10. The GDC's case in support of its decision was summarised as follows:

Mrs Michel first registered with the Council as a dental care professional, with the title dental nurse, on 10 March 2015. Mrs Michel's current CPD cycle began on 1 August 2020 and will end on 31 July 2025.

On 22 May 2024, the Council sent an email reminder to Mrs Michel's registered email address, notifying Mrs Michel that her 2023-24 CPD year was coming to an end and that she was required to submit her CPD statement by 28 August 2024. This reminder explained the requirement of detailing the verifiable CPD hours for the current CPD year of 1 August 2023 to 31 July 2024 and also explained the requirement to complete at least 10 verifiable CPD hours over the last two CPD years. Mrs Michel was advised that if she did not submit a compliant statement before the deadline, her registration may be put at risk.

On 11 June 2024, the Council sent Mrs Michel an Annual Renewal Notice. The Annual Renewal Notice is designed to remind registrants that their registration with the Council is due for renewal, of the need to pay the annual retention fee, of the need to make the indemnity declaration, and of the need to make the CPD statement. Mrs Michel was also reminded in this notice that she was required to make her CPD statement by 28 August 2024. It was stated that Mrs Michel would need to ensure that she declared at least 10 hours of verifiable CPD for every two consecutive CPD years. The notice also advises registrants that if they are short of completed CPD hours, they should take the opportunity to be compliant by the deadline.

Between 12 June and 28 August 2024, the Council sent Mrs Michel numerous reminders regarding her CPD requirements.

Rule 6 notice

On 25 September 2024, the Council sent a notice under Rule 6 to Mrs Michel. The Rule 6 Notice stated that, although Mrs Michel had submitted a CPD statement to the Council, she had not declared enough hours to meet the requirement to complete a minimum of ten hours of verifiable CPD over two consecutive CPD years. It was noted that she had submitted an annual CPD statement of zero verifiable hours for the 2022-2023 CPD year and an annual CPD statement of three verifiable hours for the 2023-2024 CPD year. The notice stated that if Mrs Michel wanted to retain her registration, she should submit her CPD record to the Council by 23 October 2024 to demonstrate that she had met the requirement. She was also advised to submit a personal development plan and activity log. She was informed that if the Council did not receive a response to the notice by that date or if her response was unsatisfactory, she may be erased from the dental care professionals register.

On 3 October 2024, Mrs Michel phoned the Council to discuss the CPD requirement in the context of the fact that she had come off the register previously.

Rule 8 notice

On 5 November 2024, the Council sent a Rule 8 erasure notice to Mrs Michel. This Rule 8 Notice confirmed that Mrs Michel had failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period 1 August 2022 to 31 July 2024 of completing at least ten hours of verifiable CPD. The Council noted that it had not been provided with any evidence of Mrs Michel's

CPD record. 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 Michel was notified that unless an appeal was submitted by 3 December 2024, the Registrar's decision would take effect on 5 December 2024.

Correspondence with the GDC

On 11 November 2024 the Council received a letter from Mrs Michel, stating that:

- a) she was removed from the register for a year and was then restored to the register;
- b) during the period that she was removed from the register, the reason for not doing any CPD was because she was not working within dentistry; and
- c) she has since done three CPD hours.

On 11 November 2024, the Council sent an email to Mrs Michel, in which the GDC:

- a) acknowledges receipt of the letter sent by Mrs Michel to the Council, received by the Council on 11 November 2024;
- b) notes that she was removed from the register on 2 August 2022 and restored to the register on 2 August 2023;
- c) notes that her CPD cycles continue even when she is not on the register;
- d) informs her that, as she submitted zero CPD hours for the 2022 – 2023 CPD period, she is required to submit at least ten CPD hours for the 2023 – 2024 CPD period;
- e) informs her that a Rule 8 notice was sent as she is not compliant with that requirement; and
- f) informs her that her name will be removed from the register unless she appeals by the deadline of 3 December 2024.

Notice of Appeal

On 23 November 2024 the Council received a Notice of Appeal ("NOA") from Mrs Michel which confirmed that she wished to appeal against the decision to remove her from the dental care professionals register with accompanying documentation.

CPD assessment

On 11 December 2024 Mrs Michel's CPD evidence was assessed by Jackie Malcolm, Registration Operations Officer. Mrs Michel was deemed to be non-compliant with her CPD requirements on the basis that she had not completed at least ten verifiable CPD hours for the period 1 August 2022 to 31 July 2024. She is outstanding six verifiable CPD hours for that period. It was confirmed that, as of 11 December 2024, Mrs Michel had completed four verifiable CPD hours between 1 August 2022 to 31 July 2024.

Submissions

11. In its written submissions, the GDC submitted that Mrs Michel is non-compliant with the CPD requirements because she has failed to provide a CPD record demonstrating that she has completed the minimum verifiable CPD requirement for the period 1 August 2022 to 31 July 2024, in accordance with Rule 2.

12. It is submitted by the Registrar that Mrs Michel was reminded on numerous occasions of the need to complete her CPD hours and of the requirement to complete at least ten verifiable CPD hours during the period 1 August 2022 to 31 July 2024.
13. As of 11 December 2024, Mrs Michel had completed four verifiable CPD hours between 1 August 2022 and 31 July 2024, which breaches the requirement that dental care professionals must submit evidence that they have completed a minimum of ten verifiable CPD hours over that period.
14. In her NOA, Mrs Michel states that she did not realise that she needed to complete CPD when not on the register. The Council submitted that all registrants should be aware that if they are taking a period of absence from dental-related work and wish to maintain their registration, they are required to meet all the necessary CPD requirements. Furthermore, 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.
15. The Registrar acknowledges that Mrs Michel is undertaking steps to ensure that she does not find herself in a similar position again, including planning to undertake more CPD. However, the relevant period for this appeal is 1 August 2022–31 July 2024. Therefore, any verifiable CPD completed before or after the relevant period is not applicable.
16. In Mrs Michel's NOA, she confirmed that she was removed from the Register on 2 August 2022 and restored on 2 August 2023. She stated that during this time, she was managing an eye hospital which did not require GDC registration. Mrs Michel stated that she did not realise that between 2022 – 2023, she had to complete CPD as she was not on the register. She confirmed that she has been registered for many years and had always kept her CPD up to date.
17. Mrs Michel stated that she would like the opportunity to catch up with her CPD to allow her to remain on the register. As such, she provided certification for 3.5 hours of CPD undertaken in 2024. She also referred to having attended a CPR course in February 2023 but did not provide evidence of this with her NOA.

Committee's decision

18. The Committee had regard to the documentary evidence provided today and took account of the written submissions made on behalf of the GDC and those made by Mrs Michel in her NOA. It heard and accepted the advice of the Legal Adviser.
19. Having carefully considered the information before it, the Committee noted that Mrs Michel has submitted four verifiable hours of CPD for the 2022 – 2024 period. Therefore, Mrs Michel has a deficit of six hours for the relevant period.
20. The Committee noted that Mrs Michel had stated that she was unaware that she had to comply with the CPD requirements when she was not on the Register between 2022 and 2023. However, the Committee acknowledged that it is a requirement of all registrants to be aware of, and comply with, the GDC's CPD requirements to maintain their registration. In light of the repeated reminders sent from the GDC, the Committee did not consider Mrs Michel's misunderstanding to amount to exceptional circumstances that prevented her from complying with her CPD requirements.

21. Accordingly, the appeal is dismissed. The Committee wished to remind Mrs Michel that it is open to her to apply for the restoration of her name to the Register upon completion of the required number of CPD hours.
22. Unless Mrs Michel exercises her right of appeal to the County Court (if their address is in England or Wales) or the sheriff in whose sherrifdom their address is located (if based in Scotland), in accordance with paragraph 6 of Schedule 4A to the Act, the erasure decision will take effect upon the expiry of the 28-day appeal period. It will then be open to Mrs Michel to apply for the restoration of her name if she meets the CPD and other requirements for restoration.
23. This will be confirmed to Mrs Michel in writing.
24. That concludes this determination.