

**Registration Appeals Committee  
(CPD Appeal)**

**2 September 2024**

**Name:** OWUSU ANSAH, Claudia

**Registration number:** 27172

**Case number:** CAS-204601-J3F6R7

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**General Dental Council:** Alecsandra Manning-Rees, ILAS

**Registrant:** Not present and unrepresented

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**Outcome:** Appeal dismissed

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**Committee members:** Anne Ng (Chair, Dental Care Professional member)  
Robin Barber (Dentist member)  
Jane Jones (Lay member)

**Legal adviser:** Alain Gogarty

**Committee Secretary:** Sara Page

1. This is an appeal hearing before the Registration Appeals Committee (RAC). The appeal is against the decision of the Registrar of the General Dental Council (GDC) to erase Ms Owusu Ansah 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 General Dental Council (GDC) practice.
3. Ms Owusu Ansah was not present at the hearing and unrepresented.
4. Ms Aleksandra Manning-Rees, Counsel, appeared as Case Presenter on behalf of the GDC.

### **Preliminary matters**

#### **Decision on service of Notice of Hearing**

5. The Committee was informed at the start of this hearing that Ms Owusu Ansah was neither present nor represented at today's hearing.
6. In her absence, the Committee first considered whether the Notice of Hearing ('the Notice') had been served on Ms Owusu Ansah in accordance with Rules 5 and 19 of the Registration Appeal Rules.
7. The Committee had regard to the indexed appeal bundle of 31 pages, which contained a copy of the Notice, dated 31 July 2024. The Notice was sent to Ms Owusu Ansah by First Class post and recorded delivery and by email. A further document was sent to Ms Owusu Ansah, dated 15 August 2024, which included the bundles for the appeal and notification of the appeal date.
8. The Committee was satisfied that the Notice contained proper and correct information relating to today's hearing. This included the time, date and that it is being conducted remotely via Microsoft Teams, as well as notification that the Committee has the power to proceed with the appeal in Ms Owusu Ansah's absence.
9. The Committee had sight of an extract from the Royal Mail 'Track and Trace' service which showed the 15 August 2024 letter, including the bundles for today's hearing, was delivered to Ms Owusu Ansah's most recent registered address on 16 August 2024. Ms Manning-Rees confirmed that Ms Owusu Ansah's registered address has been in use since 1 September 2023. It was signed for against the printed name of 'CLAUDIA'.
10. In light of the information available, the Committee was satisfied that Ms Owusu Ansah has been served with proper notification of this appeal in accordance with the Registration Appeal Rules.

#### **Decision on whether to proceed in the absence of Ms Owusu Ansah**

11. The Committee next considered whether to exercise its discretion to proceed with the hearing in the absence of Ms Owusu Ansah and any representative on her behalf. The Committee was mindful that the discretion to proceed in the absence of Ms Owusu Ansah must be exercised with the utmost care and caution. Ms Manning-Rees reminded the Committee that this is Ms Owusu Ansah's appeal and that she has not attended.
12. Ms Manning-Rees referred the Committee to an email within Exhibit 9, dated 31 July 2024, from a GDC Hearings Coordinator to Ms Owusu Ansah, in which it stated, "*I note you had confirmed yesterday upon our telephone conversation, that you will be attending your CPD appeal taking place*

*on 2 September 2024 at 09:30am which will be held remotely by MS teams.” Despite this assertion, Ms Owusu Ansah has not attended her appeal. Ms Manning-Rees confirmed that the link for today’s appeal was emailed to Ms Owusu Ansah on Friday 30 August 2024.*

13. In addition, Ms Manning-Rees confirmed that telephone contact was attempted between the GDC and Ms Owusu Ansah this morning but that there has been no answer, and the attempt was unsuccessful.
14. Ms Manning-Rees submitted that this appeal is a long-standing matter, and it was necessary to resolve the matter without further delay. She confirmed that Ms Owusu Ansah has been provided with all the necessary information she needs in order to attend today’s appeal. Ms Manning-Rees confirmed that whilst the Committee was in camera deciding on the preliminary matters, Ms Owusu Ansah returned the telephone call and spoke with the Hearings Support Officer and confirmed orally that she did not intend to attend today’s appeal.
15. The Committee bore in mind that today’s hearing has been arranged following a previous CPD appeal that was remitted back to the Registrar in December 2023. It noted that no application for an adjournment had been made by Ms Owusu Ansah.
16. The Committee was satisfied that all reasonable attempts had been made to secure Ms Owusu Ansah’s attendance at the appeal and that, being aware of today’s proceedings, Ms Owusu Ansah has voluntarily absented herself from today’s appeal.
17. In all these circumstances, the Committee determined to proceed with the appeal in the absence of Ms Owusu Ansah.

### **Decision and reasons on the appeal**

#### **Background and legal framework**

18. The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules Order of Council 2017 (“the 2017 Rules”) came into force on the 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018.
19. 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.
20. Rule 2(1) of the CPD Rules sets out the minimum number of hours of CPD a practitioner must complete within their CPD cycle.
21. 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).
22. 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.
23. 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.

24. 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.
25. 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.
26. 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.
27. Ms Owusu Ansah 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 2017 – 31 July 2022.

### Summary

28. The GDC's case in support of its decision, and a background to the previous CPD appeal in December 2023, can be summarised as follows:

*Miss Owusu Ansah first registered with the General Dental Council ("the Council") as a dental care professional, with the title Dental Nurse, on 17 July 2017.*

*Therefore, in accordance with Rule 1 as set out above, Miss Owusu Ansah's current CPD cycle began on 1 August 2022 and will end on 31 July 2027.*

*The CPD cycle which has been assessed and the evidence for which has been deemed non-compliant, and which is the subject of this appeal, is Miss Owusu Ansah's CPD cycle for the period 1 August 2017 to 31 July 2022.*

*It should be noted that Miss Owusu Ansah's 2017-2022 CPD cycle covers both the old CPD scheme (2008-2017) and the Enhanced CPD scheme (2018), where she spent one year under the 2008 Rules and four years under the 2017 Rules. As such, as per Rule 14 of the 2017 Rules, a pro-rata approach was applied to Miss Owusu Ansah's CPD cycle taking into account the requirements of both schemes. Between 1 August 2017 to 31 July 2022, Miss Owusu Ansah was required to complete a minimum of 70 hours of CPD of which at least 50 hours must be verifiable.*

...

*On 15 June 2022, the Council sent an email reminder to Miss Owusu Ansah's registered email address. This reminder... notified Miss Owusu Ansah that her CPD cycle was coming to an end and reminded her that she was required to submit her End of Cycle ("EOC") CPD statement, detailing how many CPD hours she had completed during that*

cycle, by 28 August 2022. Miss Owusu Ansah was advised that if she did not submit a compliant statement before the deadline, her registration may be put at risk. Miss Owusu Ansah was informed that as she was in her final year of her CPD cycle she could request a 56-day period of grace in order to be compliant, if there was good reason. Miss Owusu Ansah was told she would need to apply for a grace period by 31 July 2022.

On 15 June 2022, the Council also sent Miss Owusu Ansah an Annual Renewal Notice letter by post to her 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. Miss Owusu Ansah was also reminded in this notice that she was required to submit her CPD statement by 28 August 2022. It was stated that Miss Owusu Ansah would need to have completed at least 10 hours of CPD over the last two years, unless she was in the first year of her first CPD cycle. Miss Owusu Ansah was also notified that she could apply for a grace period of 56 days, and to do so by 31 July 2022.

Between 4 July and 26 August 2022, the Council sent a number of reminders to Miss Owusu Ansah by post, email, and text message.

On 23 August [2022], Miss Owusu Ansah submitted an annual CPD statement for the 2021-2022 CPD year, declaring that she had completed fourteen verifiable CPD hours.

On 20 September 2022, the Council sent a notice under Rule 6 to Miss Owusu Ansah ... The notice stated that, although Miss Owusu Ansah had submitted a CPD statement to the Council, she had not declared enough hours to meet the requirement to complete the requirement for the CPD cycle. The notice stated that between 1 August 2017 to 31 July 2022 Miss Owusu Ansah needed to complete a minimum of 70 hours of CPD, of which at least 50 hours must be verifiable, based on the pro-rata approach of both the old CPD scheme (2008-2017) and the Enhanced CPD (2018) scheme being applied. The notice stated that if Miss Owusu Ansah wished to retain her registration, she should submit her CPD record to the Registrar by 18 October 2022 in order to demonstrate that she had met the requirement. Miss Owusu Ansah was informed that if the Council did not receive a response to the notice or if her response was unsatisfactory, she may be erased from the dental care professionals register. Miss Owusu Ansah was given details of what documentary evidence was required and the contact details of who to contact should she require further explanation.

On 17 October 2022, the Council received an email from Miss Owusu Ansah requesting that she be given one more week to retrieve her certificates as she was struggling to access her old email, and therefore, would not be able to submit her CPD evidence by 18 October 2022.

On 18 October 2022, the Council sent an email to Miss Owusu Ansah's registered email address. The Council informed Miss Owusu Ansah that unfortunately an extension could not be granted. Furthermore, she was advised to follow the instructions in the Notice 6 that was issued to her on 20 September 2022 and to send in the CPD evidence she has completed between 1 August 2017 to 31 July 2022 by the deadline in the Notice. Miss Owusu Ansah was also asked to submit her Activity Log and Personal Development Plan for the cycle years 2017-2022. She was reminded to submit her CPD record for assessment by 18 October 2022 and that failure to do so may put her registration at risk.

On 18 October 2022, the Council received an email from Miss Owusu Ansah confirming that she has missed the deadline and asks "where do we go from here?". The Council advised Miss Owusu Ansah to email in all her CPD evidence that day.

*On 18 October 2022, the Council received the Notice 6 returned post as Royal Mail had been unable to deliver it to Miss Owusu Ansah. In the light of this, an email was sent to Miss Owusu Ansah's registered email address explaining that the Council had recently sent her correspondence to her registered address and that it had been returned. Miss Owusu Ansah was reminded of the need to ensure her contact details were correct, and to update them if not.*

*On 18 October 2022, the Council received an email from Miss Owusu Ansah stating she had sent all her CPD evidence by post on that day. Miss Owusu asked whether she should also send the evidence via email.*

*On 18 October 2022, the Council sent an email to Miss Owusu Ansah stating that the decision to send her CPD evidence via email was her decision, but that if received today it would be received before the deadline.*

*On 19 October 2022, the Council received from Miss Owusu Ansah, by post, a letter and supporting documents including CPD certificates. Within her letter, Miss Owusu Ansah apologised for the "late and incomplete report" of her CPD. Miss Owusu Ansah explains that she has attached all the documents she "could get a hold of" and that she sent an email in respect of her old CPD as she has no access to her email address. She acknowledged that her response was late however gives reasons as to why her personal circumstances hindered her from completing the required CPD hours... hence why the last address the Council had for her became outdated. In addition, Miss Owusu Ansah provided further information pertaining to her health.*

*On 13 January 2023, the Council sent Miss Owusu Ansah a 'Non-compliant' letter, by email. This letter explained that, despite the CPD evidence submitted, her evidence demonstrated she had completed 33 verifiable hours of CPD and 0 hours of general CPD. Her CPD remained deficient because Miss Owusu Ansah had failed to meet the CPD requirements to do and keep records of 70 hours of CPD, of which at least 50 hours must be verifiable across a 5-year CPD cycle. In addition, it was noted that Miss Owusu Ansah had not provided a PDP and an Activity Log. Miss Owusu Ansah was advised to await the decision from the Council and was told she had put her registration at risk. This letter was emailed to Miss Owusu Ansah on 13 January 2023.*

*On 14 February 2023, the Council sent a Rule 8 notice to Miss Owusu Ansah's registered address by recorded delivery. This notice confirmed that Miss Owusu Ansah had failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period 1 August 2017 to 31 July 2022 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. Miss Owusu Ansah was notified that unless an appeal was submitted, the Registrar's decision would take effect on 17 March 2023.*

*On 12 March 2023, the Council received a NOA via email from Miss Owusu Ansah which confirmed that she wished to appeal against the decision to remove her from the dental care professionals register. Miss Owusu Ansah also stated that she had attached a copy of documents that she would like the Committee to take into consideration at her appeal. However no further documents were attached.*

*On 4 July 2023, Miss Owusu Ansah's CPD evidence was assessed by a Registration Operations Officer. Miss Owusu Ansah was deemed to be non-compliant for the CPD cycle 1 August 2017 to 31 July 2022 because she had completed 33 hours of verifiable CPD and 0 non-verifiable hours, which was not enough to meet the requirement to complete 70 hours of CPD of which 50 must be verifiable, for the CPD cycle 2017-2022. It was noted that Miss Owusu Ansah has also not provided a Personal Development Plan and an Activity Log.*

### **Registration Appeal hearing on 5 December 2023**

On 5 December 2023, the Committee considered Miss Owusu Ansah's appeal and decided to refer the matter back to the Registrar. The Committee directed that:

*"...documentation is provided to show when and how Miss Owusu Ansah was informed of the amount of CPD hours she was required to complete and by what date. This should identify the CPD cycle and applicable verifiable and general hours".*

The Council has reviewed its records and has been able to locate some of the correspondence sent to Miss Owusu Ansah in respect of her CPD hours. However, the Committee should note that prior to the introduction of the 2017 Rules (which came into force for dental care professionals on 1 August 2018), a number of communications were sent as early as May 2017 to registrants to inform them of the change. These communications would have been via various means such as via the Council's website, email newsletters, letters, a video blog and leaflets. Given the number of registrants involved and the amount of time that has passed since that time, copies of the correspondence sent to each registrant (including Miss Owusu Ansah) cannot be located.

However, the Council has located a flyer from September 2017 titled, 'Changes to Continuing Professional Development' which would have been sent to registrants. This flyer stated that dental nurses were required to complete 50 hours. It also included a reminder that for those registrants transitioning from the 2008 Rules to 2017 Rules, registrants could use an online ECPD tool which set out the hours registrants were required to complete.

Whilst the Council has not been able to locate the early communications sent to registrants prior to the start of Miss Owusu Ansah's 2017-2022 CPD cycle, the Council has been able to locate correspondence sent to Miss Owusu Ansah during her cycle. For example, on 14 June 2018, Miss Owusu Ansah was sent an Annual Renewal Notice for her 2017-2018 CPD year. That stated:

- There were changes to the CPD regime and enhanced CPD would come into effect from 1 August 2018.
- A dental nurse was required to complete 50 hours of verifiable CPD.
- Registrants would need to start to keep a Personal Development Plan and Activity Log.
- A pro-rata approach would be applied taking into account both the 2008 Rules and 2017 Rules.

A further Annual Renewal Notice was sent to Miss Owusu Ansah on 10 June 2019 for her 2018-2019 CPD year which outlined that, "Between 1 August 2019 and 31 July 2020 you need to complete 70 CPD hours of which at least 50 hours must be verifiable".

On 11 June 2020, an Annual Renewal Notice was sent to Miss Owusu Ansah in respect of her 2019-2020 CPD year. Again, this reminded Miss Owusu Ansah that her CPD cycle was due to end on 31 July 2022, and that she needed to have completed at least 70 CPD hours of which at least 50 needed to be verifiable CPD hours.

On 15 February 2021, Miss Owusu Ansah also wrote to the Council to explain that she had misunderstood the requirements and did not have access to an old email address which contained CPD evidence for the period in question. Miss Owusu Ansah also informed the Council about her personal circumstances. Miss Owusu Ansah concluded

*by stating that, "I will most definitely submit all 50 hours this year if I can be given the chance to".*

*A further Annual Renewal Notice was sent on 8 June 2021 regarding Miss Owusu Ansah's 2020-2021 CPD year. Miss Owusu Ansah was told that she still had 68 CPD hours outstanding to complete and 48 of those hours had to be verifiable.*

*Lastly, on 15 June 2022 an Annual Renewal Notice was sent to Miss Owusu Ansah regarding the final CPD year of her 5-year CPD cycle. Miss Owusu Ansah was told that she still had 15 CPD hours outstanding and 10 of those hours had to be verifiable.*

*The council has also provided a sample screenshot of what Miss Owusu Ansah's eGDC account would have looked like when entering her CPD hours. Each time Miss Owusu Ansah would have logged in, she would have been informed the number of hours she was required to complete, how many hours she had logged and how many hours were remaining.*

### Submissions

29. Ms Manning-Rees, on behalf of the GDC, submitted that it is still the Registrar's position that Ms Owusu Ansah failed to submit a compliant CPD record for the CPD cycle 1 August 2017 to 31 July 2022. She stated that Ms Owusu Ansah has failed to demonstrate that she met the requirement to complete a minimum of 70 hours of CPD across her five-year CPD cycle, of which at least 50 hours must be verifiable hours. Ms Manning-Rees also submitted that Ms Owusu Ansah was also required to keep an Activity Log and a Personal Development Plan which she also failed to do.
30. In Ms Owusu Ansah's NOA, she outlined the personal circumstances that affected her ability to undertake the required CPD hours. She stated that she initially wanted to complete her hours but due to the COVID-19 lockdown in 2020, she had "limited time [PRIVATE] to complete the required hours". [PRIVATE].
31. [PRIVATE]. Miss Owusu Ansah explained that it "has been a difficult and turbulent few years" and she would "like the opportunity" to complete her required CPD hours. Miss Owusu Ansah also outlined that she wanted to maintain her position on the register as it was important to her and her "main source of income [PRIVATE]". Therefore, it was important she maintained her registration so she could return to work.

### Committee's decision

32. The Committee had regard to the documentary evidence provided today and took account of the submissions made by Ms Manning-Rees on behalf of the GDC and those made by Ms Owusu Ansah in her NOA. It heard and accepted the advice of the Legal Adviser.
33. In relation to the additional hours that Ms Owusu Ansah referred to in her previous communications with the GDC, the Committee noted that there has been no further evidence from Ms Owusu Ansah to prove that she has completed the requisite number of verifiable hours of CPD for the relevant period. It had regard to the notification from Ms Owusu Ansah on the previous occasion that she may have further certification for CPD hours undertaken from an email account that was proving difficult to access. However, no further evidence has been provided and no update has been given by Ms Owusu Ansah as to the reason for this evidence not being submitted.
34. The Committee also noted that on the previous occasion, there has been some confusion regarding what information Ms Owusu Ansah was provided with by the GDC in relation to confirming the number of hours she was required to complete and by what date. The Committee acknowledged that the GDC has provided evidence of communications sent to Ms Owusu Ansah regarding her CPD requirements for the relevant period. In particular, the Committee noted that the Annual Renewal Notice, dated 15 June 2022, was clear about Ms Owusu Ansah's remaining required hours



and the dates for the relevant period. The Committee was satisfied that Ms Owusu Ansah was aware of her requirements, as evidenced in her email from February 2021, in which she stated that she would “*definitely submit*” the 50 hours of verifiable CPD evidence as required.

35. In this regard, the Committee was satisfied that Ms Owusu Ansah was aware of the requirements and that the GDC had provided evidence of relevant notifications regarding those requirements.
36. In its consideration of Ms Owusu Ansah's exceptional circumstances, the Committee noted the difficulties that she had faced at the relevant time. It also bore in mind that during that time, Ms Owusu Ansah had been able to complete and submit a number of CPD hours that were logged in her eGDC account. Whilst the Committee acknowledged that her personal difficulties may have affected her completion of the relevant hours, Ms Owusu Ansah had not formally requested an extension at the time she was able to do so, and despite some eight months having passed since this matter was remitted back to the Registrar, she still has not evidenced the outstanding hours that had been required. The Committee noted that, in her absence today, no explanation has been provided as to why she has not done so.
37. In the absence of any further information pertaining to her circumstances, the Committee did not receive any evidence of a reasonable explanation for her not having completed the requisite CPD hours.
38. Having considered all the information before it today, the Committee was satisfied that as well as not providing verifiable evidence of the required hours of CPD activity, Ms Owusu Ansah has also failed to provide a PDP or an activity log.
39. Accordingly, the appeal is dismissed. The Committee wished to remind Ms Owusu Ansah 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.
40. This will be confirmed to Ms Owusu Ansah in writing.
41. That concludes this determination.