

ON PAPERS

Registrations Appeal Hearing CPD Appeal Hearing

20 March 2025

Name: CHANEY, Jenny
Registration number: 121695
Case number: CAS-209357-P9G8R8

General Dental Council: Instructed by Noranne Griffith, ILAS

Registrant: Unrepresented

Outcome: Remitted back to the Registrar

Committee members: Anne Ng (Chair, Dental Care Professional member)
Amit Gadhavi (Dentist member)
Jane Reynolds (Lay member)

Legal adviser: Valerie Paterson

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 Miss Chaney 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 matters

Application for the hearing to be held partly in private

3. At the beginning of the hearing, the Committee considered an application under Rule 14(1) of the Appeal Rules that that this hearing be held partly in private since the matters under consideration relate to Miss Chaney's private and family life. The Committee heard and accepted the advice of the Legal Adviser in this regard.
4. The Committee bore in mind that, as a starting point, hearings should be conducted in public session. Having considered the information before it today, the Committee was satisfied that it could conduct the meeting without specific reference to Miss Chaney's private and family life and therefore the appeal could be conducted in public session.

Decision to conduct the appeal in the absence of Miss Chaney and on the papers

5. 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 Miss Chaney had made no such request.
6. Notification of this appeal was sent to Miss Chaney by Recorded Delivery and secure email on 20 February 2025 in accordance with Rule 5 of the Registration Appeal Rules.
7. 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

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 CPD Rules came into force on the 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. Miss Chaney appealed against the Registrar's decision that her CPD is non-compliant because she 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

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

The Appellant first registered with the General Dental Council ("the Council") as a dental care professional, with the title dental nurse, on 19 November 2007. Therefore, in accordance with Rule 1 as set out above, the Appellant's current CPD cycle began on 1 August 2023 and will end on 31 July 2028.

On 22 May 2024 the Council sent an email reminder to the Appellant notifying her that her CPD year was coming to an end and reminded her that she was required to submit her CPD statement, detailing how many CPD hours she had completed during that year, by 28 August 2024. The Appellant 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 also sent the Appellant 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 their annual retention fee and make their indemnity declaration and of the need to make their CPD statement. The Appellant was also reminded in this notice that she was required to submit her CPD statement by 28 August 2024. It was stated that the Appellant would need to have completed at least ten hours of CPD over the last two years.

Between 12 June and 28 August 2024, the Council sent a number of reminders to the Appellant regarding her CPD requirements.

The Appellant submitted an annual CPD statement for the 2023-2024 CPD year, declaring that she had completed zero verifiable CPD hours.

Rule 6 notice

On 25 September 2024, the Council sent a notice under Rule 6 to the Appellant. The notice stated that, although the Appellant 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 CPD over two consecutive years. It was noted that she had submitted an annual CPD statement of six 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 the Appellant wished to retain her registration, she should submit her CPD record to the Registrar by 23 October 2024 in order to demonstrate that she had met the requirement. The Appellant 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.

On 30 September 2024, the Appellant called the Council and explained that she did not do any CPD hours due to her caring responsibilities. She requested if she could obtain an extension to complete the CPD hours. The Appellant was advised of the email address to contact.

On 17 October 2024, the Appellant emailed to explain that she completed no hours in 2023-24 due to personal circumstances regarding the health of a family member.

This email was acknowledged by the Council on 18 October 2024. The Appellant provided CPD evidence that covers the period 28 April 2023 to 13 October 2024 but included no evidence of CPD being carried out between 1 August 2023 and 31 July 2024.

On 18 October 2024, the Council emailed the Appellant to ask her if she continued to work during the period of 1 August 2022 to 31 July 2024 or if she had any absence leave. The Appellant responded by email the same day to confirm that she worked two days a week during that period.

Rule 8 notice

On 5 November 2024, the Council sent a Rule 8 notice to the Appellant's registered address by recorded delivery. This notice confirmed that the Appellant 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 because:

- a) of having completed insufficient hours over the consecutive two year period,
- b) she had not submitted a Personal Development Plan,
- c) she had not submitted an activity log, and
- d) the nine CPD certificates of 13 October were outside the requested assessment period.

The Appellant was informed that the Registrar had made the decision to remove her name from the dental care professionals register for non-compliance with the Rules. The notice informed the Appellant that the Council did not consider that the events the Appellant had described were exceptional personal circumstances beyond her control and that although the Council was sympathetic, the circumstances described did not apply directly to the Appellant. The Council noted that notwithstanding her circumstances, the Appellant had been able to continue working as a dental care professional. The Council stated that the CPD completed since the 1 August 2022 to 31 July 2024 period was not relevant. The Appellant was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 December 2024.

Notice of Appeal

On 27 November 2024, the Council received a Notice of Appeal (NOA) from the Appellant which confirmed that she wished to appeal against the decision to remove her from the dental care professionals register.

On 28 November 2024, the Appellant's CPD evidence was assessed by a Registration Operations Officer who deemed the Appellant to be non-compliant with her CPD requirements on the basis that she had six verifiable CPD hours

outstanding for the period 1 August 2022 to 31 July 2024. It was noted that the CPD certificates provided by the Appellant dated October 2024 were for courses completed outside of the relevant period and therefore, they could not be counted for the purpose of the assessment. It was confirmed that, as of 28 November 2024, the Appellant had completed 4 verifiable CPD hours between 1 August 2022 to 31 July 2024.

Submissions

13. In its written submissions, dated 6 January 2025, the GDC submitted that the Appellant is non-compliant with the CPD requirements because she has failed to provide a CPD record demonstrating that she has completed the minimum requirement for the period 1 August 2022 to 31 July 2024, in accordance with Rule 2.
14. It is submitted by the Registrar that the Appellant was reminded on numerous occasions of the need to complete her CPD hours and of the requirement to complete ten verifiable CPD hours in each two-year period. As of 28 November 2024, the Appellant had completed four verifiable CPD hours between 1 August 2022 and 31 July 2024, which clearly breaches the requirement that dental care professionals submit evidence that they have completed a minimum of ten verifiable CPD hours in each two-year period.
15. As explained in the Rule 8 notice, the Council is sympathetic to the Appellant's personal circumstances, but these circumstances are not sufficiently exceptional to justify allowing the Appellant to remain on the GDC register.
16. In Miss Chaney's Notice of Appeal, she submitted that she had made a genuine mistake as she thought she could complete the hours over the five years as in previous cycles. The Appellant indicated that she did not complete any CPD between 1 August 2023 and 31 July 2024. She stated that she has now made herself familiar with the CPD requirements and requested an extension to complete the requirements and remain on the register.

Committee's decision

17. 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 Miss Chaney in her Notice of Appeal. It heard and accepted the advice of the Legal Adviser.
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 Miss Chaney in her Notice of Appeal. It heard and accepted the advice of the Legal Adviser. The Committee had regard to the GDC document, '*Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance (February 2024)*', referred to as 'the Guidance', in coming to its decision on Miss Chaney's appeal.
19. Miss Chaney has been a dental nurse since 2007 and the Committee considered that she would have been aware of her CPD requirements and she had submitted four hours of verified CPD for the period of 2022 – 2024, leaving a shortfall of six hours. To make up for the shortfall, Miss Chaney subsequently provided a number of CPD certificates that were deemed to be outside of cycle by the GDC. There was no evidence before the Committee that the GDC had considered these certificates as there was no indication on the documents provided that the GDC has received and assessed them.

20. The Committee noted that the GDC's written submissions (the Case Summary) was dated 6 January 2025. Miss Chaney submitted documents on 4 March 2025, and it was unclear whether this would affect the decision of the Registrar as the Case Summary had not been updated.
21. Having been on the Register for a considerable number of years, there has been no evidence provided that Miss Chaney has a history of non-compliance with her CPD requirements. Miss Chaney appears to have provided evidence relating to the shortfall of six hours, but it was unclear to the Committee that these documents have been considered by the GDC as they have not been annotated in the same way as all other certificates provided by Miss Chaney. The certificates in question are:
 - *'Dental Life Support and Medical Emergency'*, dated 12 April 2023 (2.5 hours) which appears to be duplicated, but may be two separate certificates; and
 - *'Learning Disability and Autism Awareness in Dentistry'*, dated 9 September 2022 (1 hour).
22. Accordingly, the appeal is remitted back to the Registrar and the Committee directs the Registrar reconsider the evidence provided by Miss Chaney and considers the evidence submitted by her in March 2025 in respect of this meeting to determine whether this is sufficient to demonstrate compliance with the CPD requirements for the relevant period. The Registrar should check with Miss Chaney that the three documents before the Committee submitted in March 2025 represent all the additional documentation that was intended to be submitted for the appeal. Following this assessment, the Registrar should make the decision whether or not to erase Miss Chaney's name from the Register based on all the information available.
23. This will be confirmed to Miss Chaney in writing.
24. That concludes this determination.