Mr Fouz,

This is a hearing before the Registration Appeals Committee to decide your appeal against the decision of the registrar not to grant your application for registration as a dentist.

The hearing was conducted remotely using Microsoft Teams.

**Background**

By an application dated 19 December 2019 you applied to the General Dental Council (GDC) for registration as a dentist on the grounds that you are an “exempt person” within the definition of section 53(1) of the Dentists Act 1984 (the “Act”), holding a recognised overseas diploma within the definition of section 15(1)(c) of the Act.

Relevant provisions of the Act were amended on 31 December 2020 in response to the United Kingdom exiting the European Union. In this determination, references to the Act are references to the Act as it was in force at the time of your application.

Section 53(1) of the Act defined (in so far as is relevant) an “exempt person” as: “a person who is not a national of a relevant European State but who is, by virtue of an enforceable EU right, entitled to be treated, for the purposes 2 of access to and pursuit of the profession, no less favourably than a national of a relevant European State.”

Section 15(1)(c) of the Act provided that you are entitled to registration as a dentist in the United Kingdom if you hold a “recognised overseas diploma” and can demonstrate that you have the “requisite knowledge and skill” under section 15(4)(c) of the Act. The other requirements for registration set out under sections 15(4)(a)-(b) and (d) of the Act (identity, good character, sufficient knowledge of English and good physical and mental health) are not in dispute on appeal.

In deciding whether an exempt person has the requisite knowledge and skill as mentioned in section 15(4)(c) of the Act, the GDC: “shall take into account all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision” (section 16(2A) of the Act). Section 16(2B) of the Act also stated:

- In the case of an exempt person who holds a dental qualification which-
  - (a) was granted otherwise than in a relevant European State, and
  - (b) has not previously been accepted by a relevant European State as qualifying him to practise as a dentist in that State,

  the Council shall not determine that they are satisfied that that person has the requisite knowledge and skill as mentioned in Section 15(4)(c) above unless the dental qualification is
evidence of dental training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 34 of the Directive (basic dental training).

The Directive in question is 2005/36/EC on the recognition of professional qualifications ("the Directive"). Article 34 of the Directive requires, among other things, that basic dental training shall comprise at least five years of study, consisting of at least 5000 hours of full-time theoretical and practical training in at least the programme described in point 5.3.1 of Annex V to the Directive.

If the Committee is to allow your appeal, it must first be satisfied under section 16(2B) of the Act that your dental qualification meets the basic dental training requirements of Article 34 of the Directive. If so satisfied, the Committee may then, under section 16(2A) of the Act, also take into account your postgraduate training, qualifications and experience in determining whether you demonstrate the requisite knowledge and skill for registration under section 15(4)(c) of the Act.

It is not in dispute on appeal that you are an exempt person by virtue of deriving rights from a family member, who is a French national.

Your primary dental qualification is the degree of Bachelor of Dental Surgery which you obtained in 2006 from October 6 University in Egypt. By a statement of comparability dated 14 October 2019, the National Recognition Information Centre for the United Kingdom certified the qualification as being comparable to a Bachelor degree in dental surgery awarded in the United Kingdom. It is therefore not in dispute on appeal that you hold a recognised overseas diploma for the purposes of section 15(1)(c) of the Act.

The issue on appeal is whether you demonstrate the requisite knowledge and skill for registration required by section 15(4)(c) of the Act: namely, whether your primary dental qualification satisfies the requirements of Article 34 and, if so, whether your training, qualifications and experience demonstrate that you have the requisite knowledge and skill.

The registrar convened a Registration Assessment Panel on 15 April 2020 to consider your application. That Panel determined, on the basis of the documents available to it at that stage, that your primary dental qualification did not meet the requirements of Article 34 and that, even if it did, your training, qualifications and experience were not sufficient to demonstrate the requisite knowledge and skill. The registrar therefore refused your application for registration and the GDC wrote to you on 21 April 2020 to explain this decision. In respect of the requirements of Article 34, the letter explained that:

- The syllabus did not appear to include physiotherapy, oto-rhino-laryngology, dermatovenerology, general psychology, sedation, ethics, professionalism, law or social aspects of dental practice.
- The duration of the course was below 5000 hours.
- The curriculum did not include an explanation of the individual learning outcomes nor was there any evidence of student progression, assessment methodology, number of patients seen, types of treatment, aspirational targets for clinical work undertaken, or what level of supervision was conducted.
- Further information was required regarding the internship i.e., the number and types of patients seen and whether this was supervised or unsupervised.

Notwithstanding the Panel finding that the primary dental qualification did not meet the requirements of Article 34, it went on to consider whether you demonstrated the requisite knowledge and skill. The letter explained the Panel’s reasoning on this as follows:

- He had limited general dental practice experience since graduating.
• He had limited CPD in core areas such as legal and ethical issues, complaints handling, oral cancer (early detection), safeguarding children and young people and safeguarding vulnerable adults. The only evidence of core CPD provided was in basic life support.

In response, you obtained further relevant documents (there was a delay in your doing so owing to the COVID-19 pandemic) and submitted these to the GDC for reassessment, as an agreed alternative to appealing the decision. A second Registration Assessment Panel was then convened by the registrar on 20 January 2021. That Panel, albeit not unanimously on this occasion, determined that your primary dental qualification did not meet the requirements of Article 34 and that, even if it did, your training, qualifications and experience were not sufficient to demonstrate the requisite knowledge and skill.

The registrar therefore refused your application for registration and the GDC wrote to you on 3 February 2021 to explain this decision. In respect of the requirements of Article 34, the letter explained that:

• The Curriculum was not detailed and has no explanation of the individual learning outcomes. There is no evidence of student progression and assessment methodology, number of patients seen and types of treatment and aspirational targets for the clinical work undertaken, and what level of supervision was conducted (supervised/unsupervised).
  o The learning outcomes provided are limited and not comprehensive.
  o The student progression, level of supervision, aspirational targets, patients seen and treated explaining the types of treatments is unclear.
  o This point has not been addressed.

Notwithstanding the Panel finding that the primary dental qualification did not meet the requirements of Article 34, it went on to consider whether you demonstrated the requisite knowledge and skill. The letter explained the Panel’s reasoning on this as follows: “You have not evidenced how you have developed and maintained skills in general dentistry”.

The letter went on to state: “The Council recommends that you could consider applying for and completing the Overseas Registration Examination (ORE) or Licence in Dental Surgery (LDS) Royal College of Surgeons of England examination as a means of demonstrating the requisite knowledge and skill.”

Appeal

You appeal to this Committee against the decision contained in the letter of 3 February 2021. In support of your appeal you provide further documents and information. You had been unable to obtain some of these documents at an earlier stage owing to miscommunication with your University and travel restrictions.

You also gave evidence to the Committee today under affirmation and answered detailed questions on your training and experience which were put to you by the Professional Adviser.

Mr Stevens, on behalf of the registrar of the GDC, submitted that your application had been correctly assessed on the basis of the documents which were available at that stage. He submitted that it was for the Committee to determine from the further evidence now available on appeal whether you demonstrate the requisite knowledge and skill, having particular regard to any advice which was to be given by the Professional Adviser.

Ms Anderson, on your behalf, addressed the Committee in respect of each aspect of your training and experience. She submitted that your primary dental qualification meets the requirements of Article 34 of the Directive and that you demonstrate the requisite knowledge and skill.
Decision

The Committee accepted the advice of the Professional Adviser.

The Committee accepted the advice of the Legal Adviser.

The Committee accepted your evidence, which was uncontested. The Committee has had the advantage of reviewing documents not previously available to the assessment panels. It has also had the advantage of hearing oral evidence from you.

The Committee first considered whether your primary dental qualification meets the requirements of Article 34 of the Directive. The Committee was satisfied from the evidence now available on appeal that your primary dental qualification comprised at least five years of study, consisting of at least 5000 hours of full-time theoretical and practical training in at least the programme described in point 5.3.1 of Annex V to the Directive. In reaching this decision, the Committee was satisfied that your internship year was a mandatory requirement of your primary dental qualification and that the qualification therefore consisted of 6,433 hours of theoretical and practical training. The Committee had regard to your certified logbook documenting your clinical training and experience during years 3, 4 and 5 of your degree. The Committee also had careful regard to your curriculum. The Committee noted that different terminology may have been used in your academic transcripts to describe the subjects you studied but that the course content met in substance the programme described in point 5.3.1 of Annex V.

The Committee next considered whether your training, qualifications and experience demonstrate the requisite knowledge and skill. The principal concern of the most recent assessment panel was that you do not demonstrate sufficient recent experience of practising in general dentistry, the focus of much of your postgraduate training and qualifications being in the field of orthodontics. What was not clear at the earlier assessment stages was the level of general dentistry which you in fact undertake.

In oral evidence, you confirmed the circumstances under which you treat patients. You provide general dentistry to your patients. You examine the whole mouth, undertaking periodontal examinations and stabilising any gum or periodontal disease before undertaking any orthodontic work on those patients. Not all of your patients attend to you for orthodontic work. You provide orthodontic treatment in addition to general dentistry because that is your skill set. Since qualifying as a dentist you have practised primarily in general dentistry with a focus on developing your skill set in orthodontics. The Committee considered your clinical experience to be comparable to the practice in the United Kingdom of a general dental practitioner with a special interest in orthodontics.

The Committee was satisfied that you demonstrate sufficient recent clinical experience of practising general dentistry.

The Committee also considered your Continuing Professional Development (CPD) activity. You have undertaken substantial hours of CPD since 2020, including in core topics. There is a record before the Committee of some 47 relevant CPD activities consisting of approximately 142 hours work undertaken over the past two years in a wide spectrum of subjects including endodontics, dental photography, periodontitis, safeguarding and oral cancer. The Committee was satisfied that you have provided extensive evidence of CPD.

The Committee was satisfied that the deficiencies identified by the assessment panels have been addressed by the evidence now available on appeal. The Committee determined that your primary dental qualification meets the requirements of Article 34. The Committee was satisfied having regard to your training, qualifications and experience that you demonstrate that you have the requisite knowledge and skill.

The Committee therefore allows your appeal and quashes the decision of the registrar.
That concludes the hearing.