

PUBLIC HEARING

Registration Appeals Committee

5 September 2024

Name: LEGASPI, Tristan Salvador

Case number: CAS-206424-H6G8Q6

General Dental Council: Rowena Wisniewska, counsel
Instructed by Amrit Sagoo of ILAS

Registrant: Present
Represented by Reverend Joice James Pallickamyalil

Outcome: Appeal dismissed

Committee members: Emily Knapp (Chair) (Dentist)
Katarzyna Richards (DCP)
John Vellacott (Lay)

Professional adviser: John Darby

Legal adviser: Valerie Paterson

Committee Secretary: Paul Carson

1. This is an appeal against the registrar's decision not to grant you registration on the DCP register under the titles of dental hygienist and/or dental therapist. The issue on appeal is whether you demonstrate the requisite knowledge and skill to practise as a member of the profession under either or both titles in accordance with the requirements of section 36C(4)(b) of the Dentists Act 1984 (the "Act").

Background

2. You graduated in 1999 from the Centro Escolar University in the Philippines with the degree of Doctor of Dental Medicine. Between 2000 and 2016 you practised general dentistry in the Philippines, gaining a total of approximately 14 years of clinical experience. In 2017 you qualified as a dental nurse in the United Kingdom and became registered with the General Dental Council (GDC) under that title. You have worked in the UK as a registered dental nurse since that time, gaining an additional dental nursing qualification in radiography in 2019. You have also periodically travelled back to the Philippines to practise there as a dentist for short periods, last doing so for approximately 23 days in February 2024.
3. On 25 August 2022, you submitted applications to the GDC for registration under the titles of dental hygienist and dental therapist, relying on your Doctor of Dental Medicine degree and the provisions of section 36C of the Act, which require you to satisfy the registrar of a number of matters, including, so far as is relevant to the issue under consideration in this appeal, "Matter C".
4. Section 36C(4) provides that:

"Matter C is that the person—

 - (a) holds a qualification or qualifications granted by an institution or institutions outside the United Kingdom relevant to the profession complementary to dentistry, or class of members of such a profession, to which the title applies (in this section referred to as "relevant qualifications"); and*
 - (b) has satisfied the Council that he has the requisite knowledge and skill to practise as a member of the profession or class to which the title applies."*
5. It was not in dispute on appeal that your Doctor of Dental Medicine degree from the Philippines is a "relevant qualification" for the purposes of section 36C(4)(a). The issue was whether you demonstrate that you have the requisite knowledge and skill to practise under the titles of dental hygienist and/or dental therapist in accordance with section 36C(4)(b). When determining whether an applicant has the requisite knowledge and skill, section 36C(5)(a) of the Act requires the Council to take into account all the applicant's relevant qualifications, and all relevant knowledge or experience, wherever acquired.
6. Your applications for registration were considered on paper by panels convened by the registrar to assess your qualification, training and experience against the Learning Outcomes which are required for dental hygienists and dental therapists. The panels met in September 2023 and again in January 2024, following receipt of further information and evidence in the intervening period. The eventual result of this assessment process was a decision that a substantial number of the Learning

Outcomes do not appear to have been covered as part of your training or professional experience.

7. Accordingly, the GDC wrote to you on 29 January 2024 refusing your applications for registration as a dental hygienist and a dental therapist. In its letter, the GDC particularised each of the Learning Outcomes in which the panels had assessed your applications as being deficient, with the issue in relation to most of these being that: *"...the professional reference provided covers approximately 5 months of clinical work. This does not meet the GDC's current registration requirements to evidence currency of clinical experience a minimum of 2 months per year within the last 5 years"*.
8. It is against this decision which you appeal to the Committee in respect of both titles.
9. The Committee met on 3 September 2024 to hear your appeal. The hearing was conducted remotely using Microsoft Teams. The Committee had regard to all the documents which had been put before it by you and by the registrar. The Committee also had the benefit of hearing oral evidence from you, including in response to questions from the Professional Adviser.
10. The Committee had regard to the submissions made on behalf of the registrar by Ms Wisniewska, and to those made on your behalf by the Reverend Joice James Pallickamyalil.
11. The Committee retired to consider its decision and adjourned the hearing until 5 September 2024.

Decision

12. The Committee accepted the advice of the Legal Adviser.
13. The Committee accepted the advice of the Professional Adviser.
14. The Committee recognised that your undergraduate qualification as a dentist in 1999 and your approximately 14 years of clinical experience until 2016 are likely to have been robust and provide a solid clinical background in support of your applications. The issue for the Committee was your knowledge and skill over recent years in relation to the Scope of Practice of a dental hygienist and/or dental therapist.
15. Since 2016 your experience of dentistry has been confined to providing chairside assistance as a dental nurse in the UK and undertaking full-time work as a dentist in the Philippines from 29 March 2019 to 2 July 2019 and 18 December 2021 to 23 February 2021 (the periods covered by the professional reference which you provided in support of your application) with a further 23 days in February 2024. This totals only approximately six months of clinical practice as a dentist over the last eight years. Whilst some aspects of the work which you undertook during those six months would have encompassed the Scope of Practice of a dental hygienist and/or dental therapist, you demonstrate only very limited and sporadic relevant clinical experience in the Committee's view.
16. The registrar's panels had assessed your applications against a requirement that you demonstrate a minimum of two months per year of clinical experience over the last five years, which you accept you do not have. The Committee understands this

requirement to be a matter of internal guidance which is used as a benchmark to assess the adequacy of clinical experience. It is not binding on the Committee, which is concerned more with the substance of your clinical experience and whether this is sufficient in all the circumstances to demonstrate the requisite knowledge and skill. In assessing your clinical experience, the Committee has not taken a prescriptive or “tick box” approach. The fact that you are unable to demonstrate a minimum of two months per year of clinical experience over the past five years would not in itself prevent a successful appeal. Each case must be decided on its own facts.

17. In the Committee’s judgment, you fail to demonstrate that you have maintained and developed the knowledge and skills relevant to the work of a dental hygienist and/or therapist since effectively ceasing to practise as a dentist in 2016. On any objective view, your relevant recent clinical experience is very limited and sporadic. Whilst you have also undertaken targeted Continuing Professional Development activity, none of this was hands-on. This is not a substitute for clinical experience. In oral evidence, you were able to articulate clearly the Scope of Practice of a dental hygienist and a dental therapist but did not, in the Committee’s view, provide meaningful or reassuring responses when answering the many questions put to you by your representative in respect of the outstanding Learning Outcomes. You repeatedly paused to read scripted answers from generic notes which you had prepared. What you read out described best practice but lacked spontaneity and focus. When cross-examined or answering Committee questions, you appeared unable to substantiate your responses by detailed specific reference to your own clinical skill and competency.
18. The Committee can only consider your eligibility for registration against the legislative provisions under which you pursue your application for registration. In order to be eligible for registration under section 36C of the Act you must satisfy the Council that, among other things, you have the requisite knowledge and skill to practise as a dental hygienist and/or a dental therapist. In the Committee’s judgement, you have not done so, as you only have very limited and sporadic relevant recent clinical experience and do not otherwise provide sufficient evidence to reassure the Committee that you possess the required knowledge and skill. In the absence of evidence of significant relevant clinical experience over recent years you are unable to demonstrate clinical competence in relation to the work of a dental hygienist and/or a dental therapist.
19. Having regard to all the evidence, the Committee determined that you do not satisfy the Council that you have the requisite knowledge and skill to practise as a dental hygienist and/or dental therapist. You therefore cannot satisfy the registrar of Matter C, as required under section 36C(1)(a) of the Act.
20. Accordingly, your appeal must fail and is therefore dismissed.
21. That concludes this determination.