

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

Name: Tabaku, Arisa
Registration number: 278778
Case number: CAS-209214-Y2T7H2

General Dental Council: Instructed by Samantha Boafo, ILAS

Registrant: Unrepresented

Outcome: Appeal dismissed

Committee members: Rhona Stevens (Chair, Dentist member)
Tanya Viehoff (DCP member)
Tara Willmott (Lay member)

Legal adviser: Trevor Jones

Committee Secretary: Jamie Barge

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 Ms Tabaku 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 Ms Tabaku 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 Ms Tabaku had made no such request.
4. Notification of this appeal was sent to Ms Tabaku by Recorded Delivery and secure email on 24 February 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 both parties 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. Ms Tabaku 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 and asked the Registrar to consider exceptional circumstances.

Summary

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

Ms Tabaku first registered with the General Dental Council (“the Council”) as a dental care professional, with the title Dental Nurse, on 31 July 2018. Therefore, in accordance with Rule 1 as set out above, Ms Tabaku’s current CPD cycle began on 1 August 2023 and will end on 31 July 2028. The CPD period which has been assessed, and the evidence for which has been deemed non-compliant, and which is the subject of this appeal, is Ms Tabaku’s CPD years for the period 1 August 2022 to 31 July 2024.

On 22 May 2024, the Council sent an email reminder to Ms Tabaku’s registered email address. This reminder notified Ms Tabaku 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. Ms Tabaku 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 Ms Tabaku an Annual Renewal Notice letter by post to her registered address.

On 12 June 2024, the Council sent a further email reminder to Ms Tabaku’s registered email address, requesting that she submit her CPD statement by 28 August 2024 and stating that she was required to complete a minimum of 10 hours of CPD during each period of two consecutive years.

On 19 July 2024 and 5 August 2024, the Council sent further email reminders to Ms Tabaku’s registered email address. These reminders, which appear at pages 24 to 27, notified Ms Tabaku that her CPD year was coming to an end. Between 12 August 2024 and 28 August 2024, the Council sent three SMS reminders regarding the CPD statement to Ms Tabaku’s registered mobile number.

On 18 June 2024, Ms Tabaku submitted an annual CPD statement for the 2023-2024 CPD year, declaring that she had completed 3 verifiable CPD hours.

Rule 6 notice

On 25 September 2024, the Council sent a notice under Rule 6 to Ms Tabaku by recorded delivery to her registered address. The notice stated that, although Ms Tabaku had submitted a CPD statement to the Council, she had not declared enough hours to meet the requirement to complete a minimum of 10 hours of CPD over two consecutive years. It was noted that she had submitted an annual CPD statement of 1 verifiable hour for the 2022-2023 CPD year and an annual CPD statement of 2 verifiable hours for the 2023-2024 CPD year. The notice stated that if Ms Tabaku 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.

Correspondence with Ms Tabaku

On 7 October 2024, the Council received a letter from Ms Tabaku, attaching supporting documents including CPD certificates. [IN PRIVATE]. Ms Tabaku indicated that between 1 August 2022 to 31 July 2024, she submitted 4 verifiable CPD hours and since 31 July 2024 she has completed what she considered was a total of 15 hours of CPD. Ms Tabaku said she understands that she did not complete the CPD in the required time frame [IN PRIVATE].

Rule 8 notice

On 5 November 2024, the Council sent a Rule 8 notice to Ms Tabaku's registered address by recorded delivery. This notice confirmed that Ms Tabaku 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 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. It was noted that she had declared 1 hour in 2022-2023 and 2 hours in 2023-2024 which is not enough to satisfy the 10 over 2 consecutive years requirement. It was also noted that several CPD documents submitted by Ms Tabaku were dated outside the relevant cycle years, and she did not provide a Personal Development Plan. The Notice confirmed the Registrar had considered Ms Tabaku's 7 October 2024 **[IN PRIVATE]** as part of the Rule 8 discretion provided in the Guidance on the Registrar's Discretion to erase for CPD non-compliance. The Registrar did not consider the evidence amounted to an exceptional personal circumstance.

Notice of Appeal

On 14 November 2024, the Council received a Notice of Appeal (NOA) via email from Ms Tabaku which confirmed that she wished to appeal against the decision to remove her from the dental care professionals register. Within the NOA, Ms Tabaku stated that she had failed to meet the CPD requirements not because of negligence but due to the last two years being very difficult **[IN PRIVATE]**.

On 18 November 2024, Ms Tabaku's CPD evidence was assessed by an Operations Officer. Ms Tabaku was deemed to be non-compliant with her CPD requirements on the basis that she had 7 verifiable CPD hours outstanding for the period 1 August 2022 to 31 July 2024. It was confirmed that, as of 18 November 2024, Ms Tabaku had completed 3 verifiable CPD hours between 2022 to 2024.

On 13 December 2024, Ms Tabaku submitted further evidence to the Council via email. On 13 December 2024, Ms Tabaku's additional CPD evidence was assessed by an Operations Officer. Ms Tabaku was deemed to be non-compliant with her CPD requirements on the basis that she had verifiable CPD hours outstanding for the period 1 August 2022 to 31 July 2024. It was confirmed that, as of 13 December 2024, Ms Tabaku had completed 3 verifiable CPD hours between 2022 to 2024.

Submissions

11. In its written submissions, the Council's position is that Ms Tabaku 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. It is submitted by the Registrar that Ms Tabaku was reminded on numerous occasions of the need to complete her CPD hours and of the requirement to complete 10 verifiable CPD hours in each two-year period, as set out in detail above.
12. The Registrar submits that Ms Tabaku would have had sufficient opportunities to complete the required CPD and further, she ought to be aware of the requirements for continued registration, which includes ongoing compliance with the CPD requirements annually and during each two-year consecutive CPD cycle.

13. The Registrar acknowledges and is sympathetic to the personal circumstances experienced by Ms Tabaku during the relevant period. **[IN PRIVATE]**.
14. The Registrar acknowledges that Ms Tabaku has provided further information about her circumstances since this was considered at Rule 8 stage. Accordingly, it will be a matter for the Committee to determine what impact, if any, this further information has on the 'exceptional circumstances' test.
15. Lastly, it is noted that Ms Tabaku completed additional CPD after the stipulated deadline, to demonstrate her willingness to her professional development. The Registrar submits that, any CPD completed outside of the 1 August 2022 to 31 July 2024 CPD cycle years cannot be considered for the purpose of this appeal as she was required to have completed a minimum of 10 hours of CPD over the two consecutive years period.
16. 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. As of 13 December 2024, Ms Tabaku had completed 3 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 10 verifiable CPD hours in each two-year period.
17. It is open to Ms Tabaku to apply to restore her registration at any time following this appeal.

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 Ms Tabaku in her Notice of Appeal. It heard and accepted the advice of the Legal Adviser.
19. The Committee first calculated the number of hours of CPD which Ms Tabaku was required to undertake. The Committee was in agreement with the Registrar (and it is not in dispute on appeal) that Ms Tabaku was required to complete at least 10 hours of verifiable CPD during her two-year CPD cycle. She is short of 7 hours in a two-year period. The Committee considered that she could have completed this CPD prior to the deadline of 31 July 2024.
20. The Committee was satisfied that Ms Tabaku had not complied with this requirement.
21. The Committee has taken full account of the challenging personal circumstances Ms Tabaku's experienced. It noted the number of reminders that were sent by both email and text to Ms Tabaku. The Committee determined that it was her responsibility to be familiar with the CPD requirements. Having carefully considered Ms Tabaku's personal circumstances, the Committee did not consider these to amount to exceptional circumstances that would have prevented her from completing her CPD requirements in the statutory time frame. As of today, Ms Tabaku, as agreed by both parties, had only completed three hours of verifiable CPD in the requisite period. The Committee is satisfied that Ms Tabaku was non-compliant with her CPD requirements.
22. The Committee was satisfied that the GDC has complied with the 2017 Rules in dealing with Ms Tabaku's CPD requirements including the serving of the statutory notices on her.
23. The Committee also balanced the interests of Ms Tabaku against the wider public interest and to the public expectation that registered dental professionals will meet their statutory CPD

requirements in order to remain on the Register. The Committee was satisfied that the decision was proportionate, and this appeal therefore fails.

24. Accordingly, the appeal is dismissed. The Committee wished to remind Ms Tabaku 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.
25. This will be confirmed to Ms Tabaku in writing.
26. That concludes this determination.