

ON PAPERS**Registration Appeals Committee
(CPD Appeal)****27 February 2025****Name:** HOLDER, Alan James**Registration number:** 121804**Case number:** CAS-209133-C0L1G7

General Dental Council: Needa Bhatti, ILAS**Registrant:** Unrepresented

Outcome: Appeal dismissed

Committee members: Deborah Jones (Chair, Dental Care Professional Member)
Alastair Smith (Lay Member)
Hall Graham (Dentist Member)**Legal Adviser:** Angus Macpherson**Committee Secretary:** Lola Bird

1. This is an appeal before the Registration Appeals Committee. The appeal is against the decision of the Registrar of the General Dental Council (GDC) to remove Mr Holder's name from the Dental Care Professionals Register ('the Register') for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements.
2. The appeal 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 Dentists Act').
3. The proceedings are being conducted remotely by Microsoft Teams video-link.

Decision to conduct the appeal in the absence of the registrant and on the papers

4. Neither party was present today. The Committee noted that conducting an 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 Mr Holder had made no such request. The Committee took into account that under Rule 4 of the Registration Appeal Rules an appeal may be determined without a hearing by way of a meeting.
5. Notification of this appeal was sent to Mr Holder by Recorded Delivery and by secure email on 22 January 2025 in accordance with Rule 5 of the Registration Appeal Rules.
6. The Committee noted that the bundle of documents and case summary that it would be considering were sent to Mr Holder by Recorded Delivery on 22 January 2025 and by secure email on 6 February 2025.
7. In all the circumstances, and after accepting the advice of the independent Legal Adviser present at these proceedings, the Committee was satisfied that it was appropriate to consider today's appeal in the absence of either party and on the papers.
8. In deciding to proceed today, the Committee noted that there was an email dated 19 November 2024 from Mr Holder to the Dental Professionals Hearings Service, in which he stated that "... I decided to remove myself from the register finishing my 43 year career as a dental technician". The information before the Committee today is that Mr Holder is still on the Register subject to these appeal proceedings. Further, there was nothing before the Committee to indicate that his appeal had been formally withdrawn. In emails dated 25 November 2024 and 6 February 2025, Mr Holder was asked by the Dental Professionals Hearings Service if he wished to withdraw this appeal but there appears to have been no response from him.

Summary of the legal framework

9. The Committee had regard to the legal framework in relation to this appeal. It noted the relevant provisions as contained in the Dentists Act and the *General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017* ('the CPD Rules').

10. The current CPD Rules came into force on 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018. These set out the CPD requirements placed on dental care professionals and the steps that the GDC shall take in respect of registrants' compliance and non-compliance with those requirements.

11. 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.

12. Rule 2 sets out that the minimum number of CPD hours to be undertaken.

13. Rule 2(5) states that in completing the minimum number of hours, a practitioner, who is not a temporary registrant, must 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).

14. Rule 2(6) states that:

Any CPD undertaken by the practitioner is only to count towards the minimum number of hours ... if—

(a) there is documentary evidence from the provider of the CPD which states—

(i) the subjects, learning content, aims, objectives and anticipated learning outcomes of the CPD and the date that the CPD was undertaken,

(ii) the total number of hours of CPD undertaken,

(iii) the name of the practitioner who has participated in the CPD activity,

(iv) that the CPD is subject to quality assurance and the name of the person or body providing the quality assurance is provided;

(b) that documentary evidence includes confirmation from the provider that the information contained in it is full and accurate; and

(c) the CPD delivered a learning outcome identified in the practitioner's CPD record in accordance with rule 3(2)(a).

15. 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.

16. 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.

17. Rule 5 of the CPD Rules states that the Registrar may send the practitioner a notice, at any time during the CPD cycle, requiring them to submit their CPD record or any documents or information the Registrar considers relevant for the assessment of the practitioner's compliance with the requirements of the CPD Rules.

18. 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.

19. 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.

Summary of the factual background

20. Mr Holder first registered with the GDC with the title Dental Technician on 20 November 2007. In accordance with Rule 1 as set out above, Mr Holder's prior CPD cycle began on 1 August 2018 and ended on 31 July 2023. Mr Holder's current CPD cycle began on 1 August 2023 and will end on 31 July 2028. Mr Holder was required to complete a minimum of 10 hours of verifiable CPD over two consecutive years, which cover his two CPD cycles between 1 August 2022 to 31 July 2024.

21. On 22 May 2024, the GDC sent an email reminder to Mr Holder's registered email address. This reminder notified Mr Holder that his 2023 to 2024 CPD cycle year was coming to an end and that he was required to submit his CPD statement, detailing how many CPD hours he had completed during that year to the GDC, by 28 August 2024. The email also reminded Mr Holder of the need to complete a minimum of 10 hours of CPD during each period of two consecutive years, including any two-year period spanning over more than one CPD cycle. Mr Holder was notified that if he failed to submit his CPD statement by the deadline his registration may be put at risk.

22. On 11 June 2024, the GDC sent Mr Holder an Annual Renewal Notice letter by post to his registered address. The Annual Renewal Notice is designed to remind registrants, amongst other things, that their registration with the Council is due for renewal. Mr Holder was also reminded in this notice that he was required to submit his CPD statement by 28 August 2024. This letter also advised Mr Holder of the need to complete a minimum of 10 hours of CPD during each period of two consecutive years.

23. Thereafter, a number of communications were sent to Mr Holder, in which the GDC further reminded him about his CPD requirements and the deadline for submission of a compliant CPD statement.

24. On 25 September 2024, the GDC sent a notice under Rule 6 to Mr Holder's registered address. A copy of the notice was also sent to him by email on 27 September 2024. This notice stated that, although Mr Holder had submitted a CPD statement to the Council, he had not declared enough hours to meet the requirement to complete a minimum of 10 hours of CPD over two consecutive years. Mr Holder was informed that he had previously submitted a CPD statement for 2022 to 2023 detailing zero verifiable CPD hours and then submitted a statement for 2023 to 2024 with eight verifiable CPD hours. Mr Holder was informed that he needed to submit a compliant CPD record covering 1 August 2022 to 31 July 2024 by the deadline of 23 October 2024. He was advised that if the Council did not receive a response to the notice or if following a review of his response it was considered that his CPD requirements had not been met, he may be erased from the Register. Mr Holder was also asked to inform the Council if there were any reasons or exceptional circumstances that had meant he was unable to submit a compliant statement for the relevant period.

25. On 27 September 2024, the GDC received an email from Mr Holder stating that his understanding was that he was required to complete 50 hours of verifiable CPD over the course of his new five-year CPD cycle and that he was intending to meet this requirement. Mr Holder stated further:

'I am sorry you feel I have not done enough, but life's not always simple as that. I feel that on this occasion I will except your decision to remove me from your register ending a 46-year career in the world of dental technology prematurely' [sic]

26. On 30 September 2024, a GDC Operations Officer replied to Mr Holder confirming that his CPD statement was non-compliant as he was required to complete a minimum of 10 hours of verifiable CPD during each period of two consecutive years. He was informed that this included any two-year period which spanned over more than one CPD cycle. Mr Holder was asked to provide the Council with CPD evidence completed between 1 August 2022 to 31 July 2024 by the deadline of 23 October 2024. He was also advised to include his Activity Log and Personal Development Plan for this period. Mr Holder was invited to inform the Council if there were any reasons or exceptional circumstances that meant he had been unable to submit a compliant statement.

27. On 1 October 2024 Mr Holder responded to the Council's email stating:

'Sorry on this occasion I must stand by your decision to remove me from the registration list ending my career prematurely'.

28. On 5 November 2024, the GDC sent a Rule 8 notice to Mr Holder's registered address. A copy of the notice was also sent to him by email on 6 November 2024. This notice stated that Mr Holder had failed to provide a compliant CPD record demonstrating that he had met the minimum requirement for the period 1 August 2022 to 31 July 2024. Further, that Mr Holder had not provided any evidence of exceptional circumstances which may have prevented him from completing his CPD as required. As a result, the Registrar had made the decision to remove his name from the Register for non-compliance with the CPD Rules. Mr Holder was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 December 2024.

Mr Holder's appeal

29. On 12 November 2024, the GDC received a Notice of Appeal (NOA) from Mr Holder, in which he confirmed that he wished to appeal against the decision to remove him from the Register. Mr Holder also provided CPD evidence.

30. In his NOA, Mr Holder apologised for the delay in providing the Council with his CPD evidence and he set out a reason for this citing some personal circumstances. Mr Holder stated that he understood this was not an adequate reason but in light of his lengthy experience working as a dental technician, he hoped this could be excused.

31. On 14 November 2024, Mr Holder's NOA and CPD evidence was reviewed by a GDC Operations Officer. Mr Holder's CPD evidence was assessed as non-compliant for the following reasons:

- There was an outstanding 10 verifiable CPD hours.
- An Activity Log was not provided.
- A Personal Development Plan was not provided.
- 11 x certificates submitted at Notice of Appeal are dated during the 1 August 2024 to 31 July 2025 CPD cycle year and are outside the cycle dates requested.

32. It was assessed that as of 14 November 2024, Mr Holder had demonstrated that he had completed zero verifiable CPD hours for the period 1 August 2022 to 31 July 2024. Mr Holder was therefore required to provide a further 10 hours of CPD evidence for this period.

The Registrar's position

33. The position of the Registrar is that Mr Holder is non-compliant with his CPD requirements because he failed to demonstrate that he has completed the minimum requirement to undertake 10 hours of verifiable CPD during the period 1 August 2022 to 31 July 2024. This period covered the last year of Mr Holder's prior CPD cycle 2018 to 2023 (1 August 2022 to 31 July 2023) and the first year of Mr Holder's current CPD cycle 2023 to 2028 (1 August 2023 to 31 July 2024).

34. It is outlined in the written submissions made on behalf of the Registrar that "*Whilst Rule 2(1) of the 2017 Rules stipulates the minimum required verifiable CPD hours for each five-year CPD cycle, Rule 2(5) of the 2017 Rules sets out an additional and further requirement to undertake 10 hours of verifiable CPD across two consecutive CPD years including any two-year period which spans more than one CPD cycle. Mr Holder was sent reminders as early as 22 May 2024 drawing his attention to the requirement that dental care professionals must complete a minimum of 10 hours of CPD in each two-year period. The reminders also specifically referenced that the requirement to complete 10 hours of CPD in each two-year period covered consecutive years including any two-year period spanning over more than one CPD cycle. In addition, the Council respectfully submits that all registrants should be aware of their CPD requirements and their obligations in this respect as the mandatory CPD requirements are an important part of the Council's regulatory system that protects the public and patients*".

The Committee's decision on the appeal

35. The Committee considered all the documentation in relation to this appeal, including Mr Holder's NOA and the supporting evidence he provided. The Committee had regard to the written submissions made by the GDC on behalf of the Registrar. The Committee heard and accepted the advice of the independent Legal Adviser present at these proceedings.

36. The first consideration for the Committee was whether Mr Holder had complied with his CPD requirements for the period 1 August 2022 to 31 July 2024, which are the two consecutive years that are subject of this appeal.

37. The Committee noted that there was an initial mention in the case papers of Mr Holder having completed eight CPD hours for the year 2023 to 2024. However, following the assessment on 14 November 2024 by the GDC Operations Officer, the outcome was that Mr Holder had completed zero verifiable hours of CPD during the whole two-year period in question, 1 August 2022 to 31 July 2024.

38. Having reviewed the evidence provided by the GDC, the Committee considered that the assessment of 14 November 2024 was correct. It was therefore satisfied that Mr Holder had failed to provide a CPD record demonstrating that he had completed the minimum requirement of 10 CPD hours over two consecutive years, in accordance with Rule 2 of the CPD Rules. In reaching its decision, the Committee took into account that the further CPD evidence provided by Mr Holder with his NOA cannot be used to cover the shortfall, as it was CPD undertaken outside of the two-year period being considered at this appeal. The Committee also noted that Mr Holder also failed to provide an Activity Log and a Personal Development Plan, which are also requirements of the CPD Rules.

39. The Committee noted that Mr Holder accepted in his NOA that he did not meet his CPD requirements for the period concerned, and that he made reference to some personal circumstances at the time. However, Mr Holder has not provided any details of those circumstances, the timeframe of the events, or how they impacted on his ability to meet his CPD obligations. The Committee considered that it was Mr Holder's responsibility to ensure that he had completed the required 10 hours of CPD during the period 1 August 2022 to 31 July 2024. It noted that numerous reminders were sent to him by the GDC including the stipulated deadlines.

40. Compliance with the CPD Rules is necessary for upholding the overarching objective of the GDC, which includes the protection of the public, maintaining public confidence in the dental profession and proper professional standards. The Committee did not consider that it received any evidence at this appeal to justify quashing the decision of Mr Holder's erasure from the Register for non-compliance with the CPD Rules.

41. Accordingly, the Committee determined to dismiss Mr Holder's appeal.

42. Unless Mr Holder exercises his right of appeal to the relevant court, the Registrar's erasure decision will take effect upon the expiry of the 28-day appeal period. It will then be open to Mr Holder

to apply for the restoration of his registration if he meets the CPD and other requirements for restoration.

43. That concludes this determination.