

ON PAPERS

Registration Appeals Committee (Registration Appeal)

14 January 2025

Name: SRINIVASAN, Vijendranath

Case number: CAS-208723-Q4B7Z9

General Dental Council: Lauren Francis, ILAS

Registrant: Unrepresented

Outcome: Appeal allowed; remitted back to the Registrar

Committee members: Edythe Murie (Chair, Lay Member)
Alison Mayell (Dentist Member)
Nosheen Kabal (Dental Care Professional Member)

Legal Adviser: Alastair McFarlane

Committee Secretary: Lola Bird

1. This is an appeal before the Registration Appeals Committee. The appeal relates to Mr Srinivasan's application for registration with the General Dental Council (GDC) as a dental therapist. The application was refused by the GDC's Registrar in September 2024 on the basis that Mr Srinivasan had not demonstrated the requisite knowledge of English.
2. The appeal is being held in accordance with the terms of the *GDC (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'). The proceedings are being conducted remotely by Microsoft Teams video-link.
3. Mr Srinivasan's appeal was originally due to be considered at an oral hearing in the presence of both parties. However, neither party is present today, following the Committee's decision, made prior to today's meeting, to approve the GDC's request for the appeal to be considered on the papers. In acceding to the request, the Committee had regard to an email dated 9 January 2025, in which the GDC stated that it no longer contested Mr Srinivasan's appeal. The Committee also had regard to the email response from Mr Srinivasan, dated 10 January 2025, in which he confirmed his agreement for the appeal to proceed on the papers, as proposed by the GDC.
4. The Committee took into account that under the Registration Appeal Rules an appeal may be determined without an oral hearing. Having considered the respective emails from the parties, particularly the confirmation from Mr Srinivasan, the Committee was satisfied that it was fair and reasonable to proceed based on the papers alone.

Summary of the legal framework

5. The Committee had regard to the legal framework to this appeal, as set out in the written case summary provided by the GDC dated 10 December 2024.
6. Mr Srinivasan's application for registration as a dental therapist was received by the GDC on 6 March 2023. In making his application, Mr Srinivasan relied on his Bachelor of Dental Surgery (BDS) obtained in India in 2015.
7. It is noted in the GDC's case summary of 10 December 2024 that there was a change in the law on 8 March 2023, in relation to how applicants with overseas diplomas in dentistry can join the Register for Dental Care Professionals. Mr Srinivasan's application was received on 6 March 2023, which was shortly before the change in legislation. Therefore, in setting out the law in this case, the GDC referred in its case summary to the relevant parts of the Dentists Act that were in force at the time Mr Srinivasan's application was received.
8. Accordingly, it is noted that Mr Srinivasan's application for registration was made under Section 36C of the Dentists Act. Sections 36C(1), (4) and (6) of the Act state as follows:
 - (1) *Subject to the provisions of this Act, a person shall be entitled to be registered under a particular title in the dental care professionals register if he satisfies the registrar—*

- (a) of matter A or C, and*
 - (b) of matter D.*
- (4) 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.*
- (4A) Subsection (4)(b) does not apply to a person whose application for registration is made in reliance on a relevant qualification that—*
 - (a) was granted in a relevant European State, and*
 - (b) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2).*
- (6) Matter D is—*
 - (a) the person’s identity;*
 - (aa) that [they have] the necessary knowledge of English;*
 - (b) that [they are] of good character; and*
 - (c) that [they are] in good health, both physically and mentally.*

9. In his application, Mr Srinivasan sought to demonstrate to the GDC that he was suitable for registration as a dental therapist by satisfying the Registrar of ‘Matter C’ and ‘Matter D’ set out above.

10. The only matter under consideration at this appeal is whether Mr Srinivasan has the necessary knowledge of English as required by section 36C(6)(aa) of the Dentists Act under Matter D. The Committee noted that Mr Srinivasan’s application for registration has not been assessed by the GDC in relation to the remaining requirements under Matter D, or in respect of Matter C, given the Registrar’s decision in September 2024 that Mr Srinivasan had not provided sufficient evidence of meeting the English language requirement.

Knowledge of the English Language

11. Section 53(1)(b) of the Dentists Act defines ‘the necessary knowledge of English’ for a Dental Care Professional registrant as the:

(b)...knowledge of English which, in the interests of the person and the person's patients, is necessary for the practice of a profession complementary to dentistry in the United Kingdom.

12. In accordance with section 36CA of the Dentists Act, the GDC has published guidance entitled '*Evidence of English language competence: Guidance for applicants*'. This guidance states at paragraph 3 that:

The Standards for the Dental Team also highlight the need for dental professionals to be able to document their work clearly and accurately. If dental professionals do not have the necessary knowledge of English, they are unlikely to fulfil these requirements. Communication is speaking, reading, writing and listening.

13. The guidance also sets out the evidence that the Council may accept as demonstrating that a dental professional has the necessary knowledge of English. In summary, the GDC may accept:

- a) a certificate in the International English Language Testing System (IELTS) exam with an overall average score of 7 (and no less than a minimum of 6.5 in any of the modules). The GDC may accept IELTS test scores that are more than two years old if evidence can be provided that the applicant's language skills have not deteriorated in that time.
- b) evidence that the applicant has a primary dental qualification that has been taught and examined in English. Recent is defined as no more than two years old, and 75% of the applicant's clinical interaction must have been conducted in English. Where a primary dental qualification is not recent, the Council may ask for evidence that dentistry has been practised for the preceding two years in a country where English is the first and native language.
- c) a recent pass in a language test for registration with a regulatory authority in a country where the first and native language is English. Recent is defined as no more than two years' old. If the pass is not recent, the Council may ask for evidence that dentistry has been practised for the preceding two years in a country where English is the first and native language.
- d) recent experience of practising in a country where the first and native language is English. Recent is defined as no more than two years' old.

Appeal background

14. The Committee had regard to the chronology, set out in the papers before it, of Mr Srinivasan's communications with the GDC from June to September 2024. These included requests made by the GDC for further information relating to his application, including in relation to his IELTS results. Mr Srinivasan was also granted extensions of time to provide the information required.

15. In an email dated 12 September 2024, a Caseworker at the GDC informed Mr Srinivasan that the Council was unable to further extend the deadline for the provision of information, and that his application for registration would be closed and returned to him. Attached to that email was an outcome letter addressed to Mr Srinivasan, dated 11 September 2024, in which it was stated that,

“Your application has been reviewed in preparation to be assessed under Matters C and D, in accordance with the provisions contained in Section 36C(4), (5) and (6) of the Dentists Act 1984 (as amended)... The GDC has decided that you are currently not eligible for registration as a Dental Therapist as you have not satisfied the requisite knowledge of English to practise as a member of that profession...Having considered all the evidence provided, the registrar is not satisfied that you have the necessary knowledge of English”.

16. Mr Srinivasan was informed of his right to appeal the Registrar’s decision.

The appeal

17. On 9 October 2024, the GDC received Mr Srinivasan’s Notice of Appeal (NOA). Within his NOA, Mr Srinivasan set out that he was appealing the Registrar’s decision on the following grounds:

- That he was unable to provide additional evidence of English language by the deadline due to circumstances outside of his control.
- That despite multiple efforts to complete the IELTS exam he had fallen short of the required score by 0.5 in the overall band.
- That he had made significant financial investment in the application process.
- That he had requested reconsideration of his application and a further opportunity to complete the IELTS examination.

18. No supporting documentation was provided by Mr Srinivasan with his NOA.

19. However, in an addendum case summary provided by the GDC dated 9 January 2025, the Council provided further background information in relation to Mr Srinivasan’s appeal. This information was that between 14 December 2024 and 6 January 2025, the Dental Professionals Hearings Service received a number of emails from Mr Srinivasan, in which he stated that some documentation, including an IELTS report dated 21 October 2024, had not been incorporated into the appeal hearing bundle.

20. On 7 January 2025, the GDC lawyer acting on behalf of the Council in respect of the appeal, requested from Mr Srinivasan a copy of the evidence he referred to in his emails to the Dental Professionals Hearings Service, which he provided.

21. On 7 January 2025, a GDC Registration Caseworker confirmed that on 11 October 2024, following the receipt of Mr Srinivasan’s NOA, they had sent an email to him requesting a copy of his application documents. It was noted that on 25 October 2024, the Registration Caseworker received from Mr Srinivasan an IELTS report dated 21 October 2024, showing an overall band score of 7. It is understood that this additional English language evidence was not considered or assessed at the time of receipt.

22. On 8 January 2025, the Registration Caseworker assessed Mr Srinivasan’s IELTS report dated 21 October 2024, as sufficient evidence that he has the necessary knowledge of English.

Submissions in respect of this appeal

23. In its addendum case summary of 9 January 2025, the GDC submitted the following:

“...the Council has carefully considered the totality of the information provided, including the updated IELTS report dated 21 October 2024 (which meets the Council’s language controls). The Council now considers the Appellant has demonstrated he has the necessary knowledge of English required for registration under section 36C(6)(aa) (Matter D). The Council accordingly considers the Appellant has satisfied the required burden.

The Council notes that ultimately the Appeal Committee must make its own determination based on the information before it. For the avoidance of doubt, the Council formally concedes the appeal, and considers it would be appropriate to make the order sought, namely to quash the Registrar’s decision and remit the application back to the Registrar in accordance with paragraph 4(8) of Schedule 4A to the Act”.

24. The Committee noted that Mr Srinivasan is aware of the GDC’s current position, as set out in its addendum case summary. In his email dated 10 January 2025, he indicated that he would await the Committee’s decision.

The Committee’s decision on the appeal

25. The Committee considered all the material placed before it. It accepted the advice of the Legal Adviser. The Committee took into account that a decision on Mr Srinivasan’s appeal was a matter for its determination, notwithstanding any submissions made by the parties.

26. The Committee bore in mind that the burden was on Mr Srinivasan to satisfy it that he has the necessary knowledge of English as required by section 36C(6)(aa) under Matter D of the Dentists Act for registration as a dental therapist. In reaching its decision, the Committee had regard to the overarching objective of the GDC which includes the protection of the public and safeguarding the wider public interest.

27. The Committee considered all the evidence placed before it, including the evidence confirming that Mr Srinivasan attained an overall score of 7 in his IELTS exam undertaken in October 2024. The Committee noted that this overall score of 7 meets the GDC’s English language requirement, as set out in its publication ‘*Evidence of English language competence: Guidance for applicants*’.

28. In all the circumstances, the Committee was satisfied that Mr Srinivasan has demonstrated that he has the necessary knowledge of English for registration as a dental therapist, as required by section 36C(6)(aa) under Matter D of the Dentists Act.

Remittal back to the Registrar

29. The only matter for consideration at this appeal was whether Mr Srinivasan has the necessary knowledge of English for registration as a dental therapist. The Committee determined that he does have the requisite knowledge of English. His appeal is therefore allowed.

30. However, as explained in the GDC’s case summaries, there remain the outstanding requirements for registration under Matter D and those at Matters C which, the Committee understands, have not been assessed by the GDC’s Registrations Department.

31. In the circumstances, the Committee has determined under paragraph 4(8)(d) of Schedule 4A to the Dentists Act, to remit Mr Srinivasan's case back to the Registrar to dispose of in accordance with its direction that his application for registration is now assessed in relation to all the outstanding matters, and for a decision on whether his is eligible for registration as a dental therapist to be made.

32. That concludes this determination.