

PUBLIC HEARING**Registration Appeals Committee
(Registration Appeal Hearing)****11 August 2025****Name:** VARGHESE, Nisha**Case number:** CAS-210612-M8Y0X9

General Dental Council: Michaela Onuchukwu, Counsel
Instructed by Lauren Francis, ILAS**Registrant:** Present
Represented by Deacon Joice James Pallickamyail
(Lay Representative)

Outcome: Appeal accepted

Committee members: Susan Stevens (Chair, Dentist Member)
Laura Wallbank (Lay Member)
Stacey Firby (Dental Care Professional Member)**Professional Adviser:** Malcolm Smith**Legal Adviser:** Trevor Jones**Committee Secretary:** Lola Bird

Ms Varghese,

1. This is a Registration Appeals Committee hearing. The hearing is being conducted remotely by Microsoft Teams video-link.
2. The hearing is being held in accordance with the terms of the *General Dental Council (Registration Appeals) Rules Order of Council 2006*, pursuant to Schedule 4A of the *Dentists Act 1984 (as amended)* ('the Dentists Act').
3. The purpose of this hearing has been for the Committee to consider your appeal against the decisions of the GDC's Registrar that you are not eligible for registration on the Dental Care Professionals Register ('the DCP Register') as a dental therapist and/or dental hygienist.
4. You are represented at these proceedings by Deacon Joice James Pallickamyilil. Ms Michaela Onuchukwu, Counsel, appears on behalf of the Registrar.

Legal framework and background

5. The Committee had regard to the legal framework and factual background to this appeal, as set out in the written case summary provided by the GDC dated 18 July 2025, and as outlined by Ms Onuchukwu in her opening submissions.
6. On 2 March 2023, the GDC received from you two applications for registration, one for registration as a dental therapist, and the other for registration as a dental hygienist. In making your applications you relied on your bachelor's degree in dental surgery obtained in March 2016 from Kannur University, India.
7. It is noted in the GDC's case summary that there has been a change in the law since 8 March 2023, in relation to how applicants with overseas diplomas in dentistry can join the DCP Register. Prior to 8 March 2023, an applicant who held an overseas diploma in dentistry was able to apply to join the DCP Register. However, applicants can no longer rely on diplomas in dentistry and must now hold a relevant DCP qualification in order to join the DCP Register.
8. However, as your applications were received by the GDC on 2 March 2023, which was just before the change in legislation, they were processed in accordance with the legislative framework that was in place at the time. Therefore, in setting out the law in this case, the GDC has referred to the relevant parts of the Dentists Act that were in force at the time your applications were received.
9. Accordingly, it is noted that your application for registration was made under Section 36C of the Dentists Act. Sections 36C(1), (2) and (4) to (6) of the Dentists 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.

- (2) *Matter A is that the person holds a qualification or qualifications approved by the Council under section 36D(2) in relation to the profession, or class of members of a profession, to which the title applies.*
- (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).*
- (5) *For the purpose of establishing whether a person has the requisite knowledge and skill for the purposes of subsection (4)(b), the Council—*
 - (a) shall take into account all that person's relevant qualifications, and all relevant knowledge or experience, wherever acquired, and*
 - (b) may determine that a person must perform to the satisfaction of the Council in any test or assessment specified in the determination.*
- (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.*

10. You made your applications for registration as a dental therapist and dental hygienist under Matters C and D above. However, the only matter under consideration at this appeal hearing is whether you possess the requisite knowledge and skill to be registered as a dental therapist and/or dental hygienist in accordance with Matter C. Your applications have not been fully assessed by the GDC in respect of the Matter D criteria, given that the Registrar's decisions were that you did not meet the requirements of Matter C in respect of either application.

Requisite knowledge and skill

11. Under the applicable legal framework, when determining whether an applicant has the requisite knowledge and skill, the GDC is required under section 36C(5)(a) of the Dentists Act to take into account all the applicant's relevant qualifications, and all relevant knowledge or experience, wherever acquired.

The first assessment panel outcome

12. On 19 September 2024, three assessors formed a Registration Assessment Panel ('the first assessment panel') and considered individually your applications for registration along with the supporting information you had provided .

13. Having assessed both your applications, taking into account your qualification, professional experience and additional training, the first assessment panel did not recommend your entry onto the DCP Register as a dental therapist or as a dental hygienist. It concluded that the supporting evidence you had provided with your applications did not demonstrate that you possessed the requisite knowledge and skill to be eligible for registration under either title.

14. The Registrar relied on the recommendations of the first assessment panel, and the GDC wrote to you by way of separate letters, both dated 24 September 2024, which explained the outcomes of the assessments.

15. The GDC informed you that the reason for the refusal of your applications was that the first assessment panel had identified that a number of learning outcomes, relevant to the practice of a dental therapist and a dental hygienist, had not been covered as part of your training or professional experience. The relevant learning outcomes were set out in detail in the respective letters of 24 September 2024.

16. In summary, the main reason for the first assessment panel's refusal decisions were that you had not provided a recent professional reference confirming your clinical competency in the areas outlined.

17. You were advised in the letters that, should you have any new or additional information which would address the deficiencies identified by the first assessment panel, you could submit the additional information to the GDC by 22 October 2024 for reconsideration by the Registrar.

18. You were also advised that as of 8 March 2023, you could not use your overseas diploma in dentistry to support an application for registration as a DCP in the UK. Therefore, if your applications for registration as a dental therapist and dental hygienist were unsuccessful at any next assessment panel, you would not be able to make any new applications via the overseas diploma in dentistry route. You were informed that if you wanted to register with the GDC as a dentist, you would need to complete the Overseas Registration Exam or consider contacting the Royal College of Surgeons of England about the Licence in Dental Surgery.

19. You were further advised of your right to appeal the refusal of your applications.

The second assessment panel outcome

20. You did provide additional information to the GDC and on 13 February 2025, your updated applications were re-assessed by a Registration Assessment Panel ('the second assessment panel').

21. Having re-assessed your individual applications, taking into account your qualification, professional experience and additional training, the second assessment panel did not recommend your entry onto the DCP Register as a dental therapist or as a dental hygienist. It concluded that the evidence you provided did not demonstrate that you possessed the requisite knowledge and skill to be eligible for registration under either title.

22. The Registrar relied on the recommendations of the second assessment panel, and the GDC wrote to you by way of separate letters, both dated 20 February 2025, to explain the outcomes of the re-assessments. The letters detailed the learning outcomes that appeared not to have been covered as part of your training and/or professional experience across both DCP titles. The main reason given for the refusal of your applications was the lack of a recent professional reference.

23. You were again advised of your right to appeal the Registrar's decisions.

Your appeal

24. On 19 March 2025, the GDC received your Notice of Appeal (NOA) appealing the decisions of the Registrar not to register you as a dental therapist and/or dental hygienist.

25. You maintained in your NOA that your clinical experience and competency are sufficient for registration as a dental therapist and dental hygienist. In support of your NOA you provided two additional Professional Work References, the most recent dated 4 May 2025, relating to work that you undertook practising as a dentist when you went back to India for a period from 16 April to 3 May 2025.

Today's appeal hearing

26. The Committee heard submissions from Ms Onuchukwu on behalf of the Registrar, as well as oral evidence from you, and submissions made on your behalf by Dn. Pallickamyalil.

Initial submissions made on behalf of the Registrar

27. Ms Onuchukwu submitted that the Registrar's position is that you have not demonstrated in your applications that you have the requisite knowledge and skill, as required under section 36C(4) of the Dentists Act (Matter C), and therefore you are not eligible for registration under either title. Ms Onuchukwu submitted that the Registrar's position is based on the recommendation of the second assessment panel outcome from February 2025.

Your oral evidence

28. The Committee next heard your oral evidence. In your evidence in chief, you told the Committee that you have a bachelor's degree in dental surgery, which you obtained in India, having studied over the period 2009 to 2016. You explained how your degree course was assessed and verified, including your work on phantom heads under the guidance of mentors. You also spoke about how you had progressed to treating patients, also under supervision. You stated that you had completed a one-year internship as part of your primary qualification, which you said had included undertaking all dental procedures, with case-based discussions with colleagues at the end of each working day.

29. In answer to questions from your representative, you addressed individually each of the learning outcomes set out in the refusal decision letters sent to you by the GDC dated 20 February 2025. You also drew the Committee's attention to what you described as your detailed Professional Work References. You stated that it was your view that the assessment panels may have overlooked the references you provided to them.

30. You also answered a number of questions that were put to you by the independent Professional Adviser present at these proceedings. You told the Professional Adviser that you considered that your primary dental qualification covered all of the procedures that a dental therapist and dental hygienist would carry out. You also explained that your internship had included undertaking a range of clinical work across several departments, including surgical extractions, carrying out restorations, providing root canal treatment, providing partial and complete dentures, ultrasonic scaling, root planing and provided oral health advice. You also outlined your experience in radiography, including in the oral and maxillofacial department.

31. You further spoke about your experience practising as a dentist in India following your qualification and the work that you undertook at that time, including pulpectomies and pulpotomies. It was noted that you had returned to India on various occasions from 2023 to 2025 to work as a dentist. You also gave evidence about having worked as a dental assistant in Kuwait from August 2021 to February 2022 which, you said, had involved taking dental scans for Invisalign treatment and assisting a dentist with the provision of orthodontic treatment.

32. You went on to answer questions from the Professional Adviser specifically in relation to the areas of practice relevant to a dental therapist and/or dental hygienist, including in relation to placing pre-formed crowns, pulpotomies and administering analgesia. You also outlined your understanding of the scope of practice of a dental therapist and that of a dental hygienist. You also discussed relevant topics such as direct access, the implications of patient group directives, the benefits of minimally invasive procedures and identified links between poor oral health and general health.

33. You explained that you had been working in the UK as a trainee dental nurse but have since been promoted to the role of treatment coordinator within the same dental practice. You stated that you have found your experience working in the UK helpful in understanding the rules and protocols that apply, and that you benefitted from your experience assisting dentists as a trainee dental nurse. It was noted in relation to your Continuing Professional Development (CPD) that this dated back to

2023. You stated that you had undertaken more recent CPD as required by the dental practice at which you work, including CPD in Basic Life Support in around December 2024. In answer to a question from the Committee, you spoke about your understanding of the UK guidance you would be required to follow, including the GDC's professional standards.

Closing submissions made by the parties

34. Following your oral evidence, the Committee heard closing submissions from both parties.

35. Ms Onuchukwu reminded the Committee that the burden is upon you at this appeal to satisfy the Committee that you have the requisite knowledge as skill for registration under either title. Whilst she noted the answers to the questions given by you in oral evidence, she submitted that much of the information you provided regarding your clinical experience was general in nature. She also highlighted to the Committee in respect of the professional work references you have provided, that the authenticity of the most recent reference covering the period 16 April to 3 May 2025, had not yet been verified by the GDC.

36. Ms Onuchukwu submitted that the position of the Registrar remained that you are not currently eligible for registration as a dental therapist or a dental hygienist, but that this was a matter for the Committee, taking into account all the evidence before it today.

37. Dn. Pallickamyilil submitted that you have provided detailed professional work references, each confirming that you are competent in the learning outcomes outlined by the second assessment panel. He submitted that there is a lack of published guidance on what 'recent clinical experience' means, and that you cannot be expected to meet criteria about which you have no information. Dn. Pallickamyilil submitted that the Committee had been able to observe from your oral evidence today that you would be able to practice safely and effectively as a dental therapist or a dental hygienist in the UK.

38. It was Dn. Pallickamyilil's submission that based on the documents you have provided, including your professional work references, and your oral evidence, your appeal should be allowed.

The Committee's decision on your appeal

39. The Committee took account of the submissions made by Ms Onuchukwu on behalf of the Registrar and the submissions made on your behalf. It accepted the advice of the independent Professional Adviser and that of the independent Legal Adviser present at these proceedings.

40. The Committee considered all the evidence presented to it. It noted that it had before it today evidence that was not before the second assessment panel, namely, your oral evidence and your most recent professional work reference dated 4 May 2025.

41. The Committee took into account the submission of the GDC that it has not yet been able to verify your most recent professional work reference. However, it noted that the reference has been in the possession of the Council for some time. It further took into account that there is no evidence before it to suggest that the veracity of the reference is in doubt. This was not a matter put to you by

way of cross-examination. In the circumstances, the Committee accepted the information contained within the professional work reference in question.

42. The Committee bore in mind that the burden was on you to satisfy it that you have the requisite knowledge and skill required by section 36C(4) of the Dentists Act (Matter C) for registration as a dental therapist and/or dental hygienist. The Committee also remained mindful of the overarching statutory objective of the GDC and its task in assessing whether you would be a safe and competent practitioner under either title.

43. The Committee considered whether you have met the learning outcomes relevant to the roles of a dental therapist and a dental hygienist, which were identified as deficient by the second assessment panel, as set out in the relevant decisions letters of 20 February 2025. In doing so, the Committee took account of the comprehensive oral evidence that you gave at this hearing. It acknowledged that a degree in dentistry does not necessarily mean that you can practise as a dental therapist or a dental hygienist. However, it considered that you demonstrated good knowledge of the skills and experience required to practise under each title in the UK, including in respect of scope of practice. The Committee was reassured by the answers you gave in your oral evidence, particularly in relation to the questions put to you by the Professional Adviser.

44. The Committee also took account of the evidence of your recent professional experience practising in India over the period 16 April to 3 May 2025. It was satisfied that this reference and the other work references that you have provided demonstrate that you have up to date work experience, albeit this has not been continuous, given the circumstances of you having to travel to India and, as the Committee understood it, the restriction on the length of time you can work whilst there. The Committee considered that your professional work references address your clinical ability in the context of the learning outcomes identified by the second assessment panel.

45. In addition, the Committee had regard to the evidence of your work in the UK, first as a trainee dental nurse and currently as a treatment coordinator. The Committee noted and accepted your evidence about how this has been of an advantage to you in terms of learning the rules, policies and guidance applicable in the UK. The Committee also took into account your evidence regarding the CPD you have undertaken in line with the requirements of your current role.

46. The Committee considered that your periodic return to India and the work that you have been undertaking in the UK demonstrates your real commitment to progressing with your applications with the GDC.

47. Having considered all the evidence in the round, the Committee was satisfied that you have sufficiently addressed all the learning outcomes in relation to a dental therapist that were identified as deficient by the second assessment panel. Given that the scope of a dental therapist encompasses that of a dental hygienist, the Committee was also satisfied that you have sufficiently addressed all the learning outcomes identified as deficient in respect of the role of a dental hygienist.

48. In all the circumstances, Committee concluded that you would be a safe practitioner if registered under either title. It also considered that professional standards would be upheld and that informed members of the public and the profession would be confident in your ability as a DCP.

49. Accordingly, it was the conclusion of the Committee that you have demonstrated that you have the requisite knowledge and skill to be registered under both titles.

50. The Committee therefore determined to allow your appeal.

Remittal back to the Registrar in relation to Matter D only

51. The only matters for consideration at this appeal were in relation to your knowledge and skills for registration as a dental therapist and dental hygienist. The Committee has determined that you do have the requisite knowledge and skills to be registered under both titles and has determined to grant your appeal on this basis.

52. However, as explained during the course of these proceedings, there remain the outstanding requirements for registration under Matter D which, the Committee understands, may not have been fully assessed by the GDC's Registrations Department. These are the requirements relating to your identity, whether you have the necessary knowledge of English, are of good character and are of good health.

53. In the circumstances, the Committee remits your case to the Registrar to dispose of in accordance with its direction that:

You are entitled to be entered onto the DCP Register as a dental therapist and/or a dental hygienist subject to the GDC having assessed you as suitable for registration under Matter D.

54. That concludes this determination.