

## ON PAPERS

### Registrations Appeal Hearing CPD Appeal Hearing

18 March 2025

**Name:** MARSHALL, Janice

**Registration number:** 234742

**Case number:** CAS-209217-F4L3M3

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**General Dental Council:** Instructed by Harriet Goodhew, ILAS

**Registrant:** Unrepresented

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**Outcome:** Appeal dismissed

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**Committee members:** Zareen Elleby (Chair, Dental Care Professional member)  
Amit Gadhavi (Dentist member)  
Jane Reynolds (Lay member)

**Legal adviser:** Valerie Paterson

**Committee Secretary:** Sara Page

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 Miss Marshall 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 Miss Marshall 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 Miss Marshall had made no such request.
4. Notification of this appeal was sent to Miss Marshall by Recorded Delivery and secure email on 31 January 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 either party 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. Miss Marshall appealed against the Registrar's decision that her CPD is non-compliant because she had failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period 1 August 2022 – 31 July 2024.

#### **Summary**

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

The appellant first registered with the Council as a dental care professional, with the title Dental Nurse, on 31 October 2012. Therefore, in accordance with Rule 1 as set out above, the appellant's current CPD cycle began on 1 August 2023 and will end on 31 July 2028.

On 22 May 2024, the Council sent an email reminder to the appellant notifying her that her CPD year was coming to an end and reminded her that she was required to submit her CPD statement by 28 August 2024. The appellant 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 the appellant an Annual Renewal Notice. The Annual Renewal Notice is designed to remind registrants that their registration with the Council is due for renewal, of the need to pay their annual retention fee and make their indemnity declaration and of the need to make their CPD statement. The appellant was also reminded in this notice that she was required to submit her CPD statement by 28 August 2024. It was stated that the appellant would need to have completed at least ten hours of CPD over the last two years, unless she was in the first year of her first CPD cycle.

Between 12 June and 28 August 2024, the Council sent a number of reminders to the appellant regarding her CPD requirements.

On 8 August 2024, the appellant submitted an annual CPD statement for the 2023-2024 CPD year, declaring that she had completed zero CPD hours

#### Rule 6 notice

On 25 September 2024, the Council sent a notice under Rule 6 to the appellant stating that although she had submitted a CPD statement to the Council, she had not declared enough hours to meet the requirement to complete a minimum of ten hours of CPD over two consecutive years. It was noted that she had submitted an annual CPD statement of one verifiable hour for the 2022-2023 CPD year and an annual CPD statement of zero verifiable hours for the 2023-2024 CPD year. The notice stated that if the appellant wished to retain her registration, she should submit her CPD record to the Registrar by 23 October 2024 to demonstrate that she had met the requirement. The appellant was informed that if the Council did not receive a response to the notice or if her response was unsatisfactory, she may be erased from the dental care professionals register.

On 2 October 2024, the appellant wrote to the Council explaining she had lost her CPD certificates, stating that her computer had a virus and wiped her records and she did not recall which company she did her CPD with. She sought advice on what to do next.

#### Rule 8 notice

On 5 November 2024, the Council sent a Rule 8 notice to the appellant confirming that she 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. The notice also referred to the appellant's 2 October 2024 letter and indicated:

- a) The events described were not exceptional personal circumstances beyond her control; and

- b) There was no evidence the appellant had attempted to meet her CPD or otherwise engaged positively with her CPD requirements.

Having considered this and the evidence provided, the Registrar had made the decision to remove the appellant's name from the dental care professionals register for non-compliance with the Rules. The appellant was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 December 2024.

#### Notice of Appeal

On 8 November 2024, the appellant filed a Notice of Appeal (NOA). The appellant confirmed she appealed the decision to remove her from the dental care professionals register.

On 21 November 2024, the appellant's CPD evidence was assessed by an Operations Officer. The appellant was deemed to be non-compliant with her CPD requirements on the basis that she had ten verifiable CPD hours outstanding for the period 1 August 2022 to 31 July 2024. It was noted that the appellant had not provided an activity log or PDP, and that 26 certificates provided were outside the assessment period. As of 21 November 2024, the appellant had completed zero verifiable CPD hours between 1 August 2022 to 31 July 2024.

#### **Submissions**

11. In its written submissions, the GDC submitted that the appellant is non-compliant with the CPD requirements because she failed to provide a CPD record demonstrating that she completed the minimum requirement for the period 1 August 2022 to 31 July 2024, in accordance with Rule 3. Further, the appellant's evidence demonstrated she had not completed any verifiable CPD hours during the two-year period, failing to meet the requirements in Rule 2.
12. The Registrar submitted that the appellant was reminded on numerous occasions of the need to complete her CPD hours and of the requirement to complete ten verifiable CPD hours in each two-year period, as set out in detail above.
13. The Council submitted that as of 21 November 2024, the appellant had completed zero verifiable CPD hours between 1 August 2022 and 31 July 2024, which does not meet the requirement of completing a minimum of ten verifiable CPD hours in each two-year period.
14. In Miss Marshall's Notice of Appeal, she explained that she had enclosed 25 hours of CPD, including ten for 2023, ten for 2024 and five for the start of the following year.

#### **Committee's decision**

15. 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 Miss Marshall in her Notice of Appeal. It heard and accepted the advice of the Legal Adviser.
16. The Committee noted that there appeared to be a discrepancy in the number of verifiable hours of CPD as calculated by the GDC in the Rule 6 notice sent to Miss Marshall (one hour) and the 'Assessment of CPD evidence' prepared by the GDC for this appeal meeting. It stated Miss Marshall '*has completed 0 hours of verifiable CPD*'. The Committee was satisfied that whether Miss Marshall had completed one verifiable CPD hour for 2022 – 2023 or had not submitted any

hours at all for that period, it was not sufficient to meet the CPD requirement for ten hours over the two-year period.

17. The Committee, having carefully considered the information provided, was unable to identify any exceptional circumstances. It acknowledged that Miss Marshall had indicated that she had lost her certification as a result of a computer virus, but it would be open to all registrants to contact the providers of the training to obtain replacement certification. It noted that she had stated she was unable to remember which providers she undertook the training with, but the Committee determined that there were avenues she could have explored to confirm the providers in order to recover those important documents.
18. The Committee also noted that there was limited engagement with the GDC throughout the period that reminders were sent to Miss Marshall reminding her of her CPD requirements.
19. The Committee further noted that Miss Marshall had provided evidence of CPD hours undertaken but these were out of cycle and therefore could not be considered as part of the current CPD requirements in respect of this appeal.
20. Accordingly, the appeal is dismissed. The Committee wished to remind Miss Marshall 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.
21. This will be confirmed to Miss Marshall in writing.
22. That concludes this determination.