

ON PAPERS**Registration Appeals Committee
(CPD Appeal)****25 March 2025****Name:** BOYLE, Shelley Louise**Registration number:** 140330**Case number:** CAS-209324

General Dental Council: Noranne Griffith, ILAS**Registrant:** Unrepresented

Outcome: Appeal dismissed

Committee members: Anthony Mole (Lay) (Chair)
Alison Mayell (Dentist)
Victoria Hewson (Dental Care Professional)**Legal adviser:** William Hoskins**Committee Secretary:** Andrew Keeling

At this meeting the Committee made a determination that includes some private information. That information shall be omitted from any public version of this determination and the document marked to show where private material is removed.

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1. This was an appeal meeting before the Registration Appeals Committee (RAC). The meeting was conducted remotely on Microsoft Teams.
 2. The appeal was against the decision of the Registrar of the General Dental Council (GDC) to erase Mrs Boyle from the Register for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements. The meeting was 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').

3. Neither party was present at today's meeting. The Committee first considered the issues of service and whether to proceed with the meeting on the papers in the absence of Mrs Boyle and any representatives for either party. The Committee accepted the advice of the Legal Adviser on both of these matters.

Decision to conduct the appeal in the absence of Mrs Boyle and on the papers

4. Notification of this appeal was sent to Mrs Boyle by Recorded Delivery and secure email on 20 February 2025 in accordance with Rule 5 of the Registration Appeal Rules. This notification included the bundle of documents and case summary that the Committee would be considering.
5. The Committee noted that conducting the appeal on the papers is the default position of the GDC unless an appellant requests an oral hearing. It took into account that the GDC's acknowledgement of Mrs Boyle's appeal, dated 29 November 2024, informed Mrs Boyle that she could request an oral hearing within 28 days of the date of the letter. Having considered the documents provided, the Committee was satisfied that Mrs Boyle had made no such request.
6. In the circumstances, the Committee was satisfied that it was appropriate to consider today's appeal in the absence of either party and on the papers.

Private Application

7. The Committee noted the Council's application, made in their written submissions, for today's meeting to be part-held in private in order to protect Mrs Boyle's private and family life. Having accepted the advice of the Legal Adviser, the Committee decided to accede to the application for the reasons put forward by the Council. The meeting was therefore part-held in private and a private and public determination will be produced.

Summary of the Legal Framework

8. 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.
9. The current CPD Rules came into force on 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018.

10. 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.
11. Rule 2(1) of the CPD Rules sets out the minimum number of hours of CPD a practitioner must complete within their CPD cycle.
12. Rule 2(5)(b) of the CPD Rules requires dental care professionals to 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).
13. 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.
14. 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.
15. 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.
16. 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

17. Mrs Boyle first registered with the Council as a dental care professional, with the title Dental Nurse, on 27 March 2008. 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.

18. On 22 May 2024, the Council sent an email reminder to Mrs Boyle's registered email address. This reminder notified Mrs Boyle that her CPD year was coming to an end and that she was required to submit her CPD statement, detailing how many CPD hours she had completed during that year, by 28 August 2024. Mrs Boyle was also reminded to ensure that she had completed at least 10 hours CPD over the last two years and the reminder explained the Enhanced CPD Scheme requirements. Mrs Boyle was advised that if she did not submit a compliant statement before the deadline, her registration may be put at risk.
19. Between 12 June 2024 and 12 August 2024, four email reminders were sent to Mrs Boyle's registered email address and one SMS reminder was sent to her registered mobile number reminding her to submit her CPD statement.
20. On 15 August 2024, Mrs Boyle emailed to say that she had already submitted her CPD information but that she was unsure now if she was short of verifiable CPD hours and requested confirmation of the same. On 16 August 2024, the Council replied to explain that Mrs Boyle's CPD statement was non-complaint because her record showed that she had declared three verifiable CPD hours in the previous year and four verifiable CPD hours in the 2023-24 cycle year. Mrs Boyle was encouraged to try to locate any additional certificates and to submit her annual statement by 28 August 2024. Once again, Mrs Boyle was advised that if she failed to make a compliant CPD statement her registration may be at risk.
21. On 21 and 28 August 2024, further SMS reminders were sent to Mrs Boyle.
22. On 25 September 2024, the Council sent a notice under Rule 6 to Mrs Boyle by recorded delivery to her registered address, however this was not able to be delivered and was returned to the GDC on 11 November 2024. On 11 November 2024, Mrs Boyle was notified by email that correspondence to her registered address had been returned as undelivered and that if her contact details needed to be updated she should log into her eGDC account and edit the details. For the avoidance of doubt, this was also the email address used by Mrs Boyle to query her CPD position as set out above. In addition, on 27 September 2024, a copy of the Rule 6 notice was also sent via email to Mrs Boyle's registered email address.
23. The notice stated that the Council's records indicated that Mrs Boyle had not declared enough hours to meet the minimum requirement of 10 hours over two consecutive years. The notice explained that Mrs Boyle had previously submitted a 2022-2023 CPD annual statement of three verifiable hours and that she had recently submitted a 2023-2024 statement of four verifiable hours. The notice stated that if Mrs Boyle 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 and let the Council know if there were any reasons or exceptional circumstances that meant she was unable to submit a compliant statement which would be considered by the Council when deciding whether to take any further action. Mrs Boyle 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.

24. On 5 November 2024, the Council sent a notice under Rule 8 to Mrs Boyle's registered address by recorded delivery. The notice was also sent by email on 6 November 2024.
25. The notice confirmed that Mrs Boyle had failed to provide any evidence of her CPD record demonstrating that she had met the minimum requirement for the period 1 August 2022 to 31 July 2024 and nor had she provided any evidence of exceptional personal circumstances which may have prevented her completing her CPD as required. Mrs Boyle was notified that, therefore, the Registrar had made the decision to remove her name from the dental care professionals' register for non-compliance with the Rules. Mrs Boyle was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 December 2024.
26. On 20 November 2024, Mrs Boyle contacted the Council by phone and said that personal circumstances may have contributed to her lack of CPD hours. She was advised that she would need to appeal by 3 December 2024, per the Rule 8 notice.

The Appeal

27. On 22 November 2024, the Council received a letter from Mrs Boyle, headed "Appeal Notice for Shelley Boyle", ("NOA") which confirmed that she wished to appeal against the decision to remove her from the register. The Appellant apologised for not completing the required number of hours and explained that over the past two years:
 - a. [PRIVATE];
 - b. [PRIVATE];
 - c. [PRIVATE].
28. Mrs Boyle explained that over the last three months she had started to get back into a working routine while caring for her children and that losing her registration would set her back as she would not have a job and would, *"Not have the fight in [her] to go through the process of trying to get back on the register."*
29. Mrs Boyle stated she was keen to stay registered including because she enjoyed her job as a dental nurse very much and talking to and helping patients and that *"I have worked in dentistry for a lot of years it's all I know."* Mrs Boyle stated that going forward she would ensure she complies with the hours required for the calendar year.
30. On 26 November 2024, Mrs Boyle's CPD evidence was assessed by a Registration Operations Officer. Mrs Boyle was deemed to be non-compliant with her CPD requirements on the basis that she had zero verifiable CPD hours for the period 1 August 2022 to 31 July 2024. Mrs Boyle's record showed she had previously declared a total of seven CPD hours for the 2022-2024 two-year cycle. However, as

she had not sent any CPD evidence with her NOA, it was assessed that she had completed zero CPD hours for the 2022-2024 two-year period.

Submissions

31. In the GDC's written submissions, the Registrar's position was set out as follows:

It is the Registrar's position that the Appellant is non-compliant with 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 the Appellant 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.

As of the date of assessment, the Appellant appears to have completed zero 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.

There is no power to waive these provisions. The Appellant has provided information in her NOA why she did not undertake any CPD during the relevant period. The Registrar could have exercised discretion in deciding whether to remove the Appellant from the register had this information been provided at any earlier stage. It is recognised that the Appellant did not receive the Rule 6 notice by post but this was sent by email as well as by post and evidently the Appellant does receive emails from the Registrar and uses her registered email address.

The Registrar sympathises with the Appellant's personal circumstances. However, the Registrar submits that it is now a matter for the Committee whether to allow the Appellant's appeal in light of the information put forward by her in her NOA.

It is open to the Appellant to apply to restore her registration at any time following this appeal although her comments in this regard are noted.

Committee's decision and reasons on the appeal

32. The Committee had regard to the documentary evidence provided today and took account of the written representations made by the GDC and Mrs Boyle's Notice of Appeal. It accepted the advice of the Legal Adviser. The Committee also took note of the GDC's *Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance* (February 2024) (the GDC's Guidance).

33. The first consideration for the Committee was whether Mrs Boyle had complied with her obligations under the CPD Rules by demonstrating completion of at least 10 hours of verifiable CPD within the period 1 August 2022 to 31 July 2024.
34. Having carefully reviewed the CPD records which Mrs Boyle submitted, the Committee determined that she has not completed any verifiable hours of CPD within the period of 1 August 2022 to 31 July 2024. This was consistent with the Registrar's assessment that Mrs Boyle was 10 hours short in the relevant period. Therefore, the Committee determined that Mrs Boyle is not compliant with her statutory obligations under the CPD Rules.
35. The Committee was satisfied that the required notices had been duly served on Mrs Boyle in accordance with the Rules and that the correct procedure leading to the Registrar's erasure decision had been followed. The remaining consideration for the Committee was therefore whether the Registrar's decision to erase should be allowed to stand.
36. The Committee recognised that the CPD requirement is a mandatory statutory requirement which applies to all registered dental professionals. Compliance is important in helping to ensure patient safety and in maintaining wider public confidence in the profession so as to meet the overarching objective of the GDC under Section 1 of the Act.
37. The Committee was sympathetic to the personal circumstances Mrs Boyle outlined in her appeal. However, it noted that there was no corroborating evidence provided by Mrs Boyle. Furthermore, it was not clear to the Committee the periods she was unable to work as a result of the events in her private life. The Committee concluded therefore that the reasons put forward by Mrs Boyle could not be considered as 'exceptional circumstances' as outlined in the GDC's Guidance.
38. Therefore, having regard to all the circumstances, the Committee determined that there were no grounds on which this appeal should be allowed. Mrs Boyle had failed to demonstrate that she was compliant with her obligations under the CPD Rules. The decision of the Registrar to erase her name was reached correctly in accordance with the procedural requirements of the Rules and following repeated reminders to Mrs Boyle of her obligations under the CPD Rules and the importance of compliance in order to maintain continued registration.
39. This appeal was accordingly dismissed.
40. Unless Mrs Boyle exercises her right of appeal to the court, the erasure decision will take effect upon the expiry of the 28-day appeal period. It will then be open to Mrs Boyle to apply for the restoration of her registration if she meets the CPD and other requirements for restoration.

41. This will be confirmed to Mrs Boyle in writing.
42. That concludes this determination.