

ON PAPERS

Registrations Appeal Hearing CPD Appeal Hearing

28 March 2025

Name: FORSTER, Yasmin Lorraine

Registration number: 268549

Case number: CAS-209359-F8N7C8

General Dental Council: Instructed by Zara Gull, ILAS

Registrant: Unrepresented

Outcome: Appeal dismissed

Committee members: Zareen Elleby (Chair, Dental Care Professional member)
Catherine Pease (Lay member)
Juliette Brouard (Dentist member)

Legal adviser: Judith Walker

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 Forster 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 Forster and on the papers

3. Neither party was present at today's meeting. Having heard and accepted the advice of the Legal Adviser, 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 Forster had made no such request.
4. Notification of this appeal was sent to Miss Forster by Recorded Delivery and secure email on 20 February 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 Forster appealed against the Registrar's decision that her CPD is non-compliant because she failed to complete her annual CPD statement for the period 1 August 2023 – 31 July 2024 by the deadline of 23 October 2024.

Summary

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

Miss Yasmin Lorraine Forster first registered with the General Dental Council ("the Council") as a dental care professional, with the title Dental Nurse, on 1 February 2017. Therefore, in accordance with Rule 1 as set out above, Miss Forster's current CPD cycle began on 1 August 2022 and will end on 31 July 2027.

On 22 May 2024, the Council sent an email reminder to Miss Forster notifying her that her CPD year was coming to an end and reminded her that she was required to submit her CPD statement, detailing how many CPD hours she had completed during that year, by 28 August 2024. Miss Forster 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 Miss Forster 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. Miss Forster was also reminded in this notice that she was required to submit her CPD statement by 28 August 2024. It was stated that Miss Forster would need to have completed at least ten hours of CPD over the last two years.

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

Rule 7 notice

On 25 September 2024, the Council sent a notice under Rule 7 to Miss Forster stating that she had failed to submit a CPD statement to the Council for the CPD year 1 August 2023 to 31 July 2024 by the deadline of 28 August 2024 and as such, she had put her registration at risk. Miss Forster was informed that if she wished to retain her registration, she should submit her annual CPD statement by 23 October 2024. The Council informed her that if the statement was not received by this date or the statement was incomplete, she may be erased from the dental care professionals register.

Rule 8 notice

On 5 November 2024, the Council sent a Rule 8 notice to Miss Forster confirming that she had failed to submit her annual CPD statement for the period 1 August 2023 to 31 July 2024 and as a result, the Registrar had made the decision to remove her name from the dental care professionals register for non-compliance with the Rules. Miss Forster was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 December 2024.

On 7 November 2024, the Council received a call from Miss Forster.

On 11 November 2024, the Council tracked the status of the Notice 7 sent to Miss Forster. The Royal Mail Tracking system revealed that the Notice 7 was being forwarded to the National Returns Centre to determine the sender's details as it had exceeded the holding period at Newcastle West CSP. On the same date, the Council received the Notice 7 as returned post.

On the same date, the Council emailed Miss Forster informing her that the Council had recently sent correspondence to her GDC registered address which had been returned as undeliverable. As such, her registered postal address may need updating. Miss Forster was invited to update her contact details if applicable.

Notice of Appeal

On 27 November 2024, the Council received a Notice of Appeal ('NOA') via post from Miss Forster which confirmed that she wished to appeal against the decision to remove her from the dental care professionals register.

CPD assessment

On 28 November 2024, Miss Forster's CPD evidence was assessed by a Registration Operations Officer. Miss Forster was deemed to be non-compliant with her CPD requirements because she had failed to submit an annual CPD statement for the CPD year 2023-2024 by the stipulated deadline or following the Rule 7 notice being sent. It was confirmed that, as of 28 November 2024, Miss Forster did not have an annual CPD statement for the CPD year 1 August 2023 to 31 July 2024.

Submissions

11. In its written submissions, the GDC submitted that Miss Forster is non-compliant with her CPD requirements because she has failed to provide an annual CPD statement for the CPD year 1 August 2023 to 31 July 2024, in accordance with Rule 4.
12. It is submitted by the Registrar that Miss Forster was reminded on numerous occasions of the need to submit her annual CPD statement, but as of 28 November 2024, Miss Forster did not have an annual CPD statement for the CPD year 1 August 2023 and 31 July 2024. Miss Forster does not dispute that she failed to provide her CPD statement.
13. It is the Registrar's position that all registrants ought to be aware of the requirements for continued registration which includes ongoing compliance with the CPD requirements. The purpose of the CPD requirement is to ensure that GDC registrants are, at all times, appropriately educated and trained to provide safe care to the public. Compliance with CPD is mandatory for all dental professionals and is a requirement for their continued registration.
14. The Council cannot consider any additional CPD Miss Forster intends to complete now, to rectify her shortfall, as CPD completed outside of the CPD year cannot be considered as set out in Rule 2 of the 2017 Rules.
15. The Registrar submits that all registrants should be aware that if they are taking a period of absence from work and wish to maintain their registration, they are required to meet all the necessary CPD requirements. If a registrant is taking a period of leave from the profession and they wish to maintain their GDC registration, a registrant will need to continue to meet their CPD requirements during their period of leave.
16. In Miss Forster's NOA, it was submitted that she had taken a period of leave from dental nursing from November 2023 until 30 September 2024. Miss Forster explained that she did not update her CPD statement as she has not completed any hours in this period, the reason being she had various complications during this time. She further states she had completed the computer-based training before she went on her period of leave but was unaware of the notice

received whilst she was away from dental nursing and only realised what had occurred upon her return to work, by which time it was too late as the erasure notice has already been issued.

43. Further, Miss Forster states since her return to work she has attempted to complete computer-based training but, was unable to as she was unable to access the courses due to a change of training provider. She further states, she has since resolved this with her manager and is now able to access the training if given the time to do so.

Committee's decision

17. 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 Forster in her NOA. It heard and accepted the advice of the Legal Adviser.
18. The Committee took into account that Miss Forster stated that she had taken a break from dental nursing between November 2023 and September 2024. She stated that upon her return to dental nursing, she had attempted to log in to her usual CPD provider with the intention of completing some CPD but had been unable to do so due to a change of training provider. The Committee noted that there are a variety of providers and, not having had success logging in to one provider, could have tried another.
19. The Committee noted that some documentation being sent to Miss Forster's GDC registered address had been returned to the sender. Whilst the Committee accepted that this may have led to issues with Miss Forster having received the documents by post, it is the responsibility of all registrants to keep their contact details up to date. Moreover, the Committee acknowledged that the GDC sent reminders to Miss Forster by email and by text message to her registered mobile telephone number.
20. The Committee also noted that Miss Forster had referred in her NOA to not completing her CPD hours due to '*various complications*' during her period of absence, but had not provided any specific information regarding what these complications may have been. Having carefully considered the GDC document, '*Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance (February 2024)*', the Committee concluded that Miss Forster had not provided sufficient evidence that would demonstrate that the '*complications*' would have amounted to exceptional circumstances that would have prevented her from meeting her CPD requirements.
21. Accordingly, the appeal is dismissed. The Committee wished to remind Miss Forster 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.
22. This will be confirmed to Miss Forster in writing.
23. That concludes this determination.