

**ON PAPERS****Registration Appeals Hearing  
CPD Appeal Hearing****11 July 2024****Name:** HOFFMAN, Jacobus**Registration number:** 68705

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**General Dental Council:** Lauren Francis, ILAS**Registrant:** Unrepresented

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**Outcome:** Appeal dismissed

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**Committee members:** Adrian Smith (Chair and lay member)  
Sharon Allen (DCP member)  
James Maughan (Dentist member)**Legal adviser:** Matthew Corrie**Committee Secretary:** Jamie Barge

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 Mr Hoffman from the Register for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements. The meeting 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 2A of the Dentists Act 1984 (as amended) ('the Act').
2. The meeting was conducted remotely via Microsoft Teams in line with current GDC practice. The Committee was content that service has been effected in accordance with the Registration Appeal Rules and agreed to consider the appeal on the papers, as neither party had requested an oral hearing.
3. Mr Hoffman did not seek an oral hearing for his appeal. The Committee first considered whether the notice of this appeal had been served on Mr Hoffman in accordance with Rules 5, 8 and 19 of the General Dental Council (Registration Appeals) Rules Order of Council 2006 (the Rules). The Committee was satisfied that proper service had been made in compliance with these rules. The Committee determined that it is desirable to proceed and considered the case in Mr Hoffman's absence on the papers before it in accordance with Rule 4(3).
4. In considering the appeal, the Committee had regard to all the documentation before it. This included a copy of the Notice of Appeal received by the GDC from Mr Hoffman.
5. The Committee also received written submissions made on behalf of the Registrar, dated 21 June 2024, from Ms Lauren Francis. Ms Francis set out in her written submissions the legal provisions relevant to this appeal, as contained within the *Dentists Act 1984 (as amended)* ('the Act'), and the *GDC (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules Order of Council 2017* ('the Rules')

### **Background**

6. Mr Hoffman's name was first registered with the General Dental Council ("the Council") as a dentist, on 01 April 1993. The Registrant's current period of registration began on 20 January 2010 (page 9). Therefore, in accordance with Rule 1 as set out above, Mr Hoffman's current CPD cycle began on 01 January 2022 and will end on 31 December 2026
7. Between 26 October 2023 and 26 January 2024, the GDC sent to Mr Hoffman various automated reminders by email, post and text message relating to the annual renewal of his registration and his annual CPD statement, which he was required to submit by 28 January 2024.
8. On 26 February 2023, the GDC wrote to Mr Hoffman under Rule 6. He was advised that although he had submitted a CPD statement to the Council, he had not declared enough hours to meet the requirement to complete a minimum of 10 hours of CPD over two consecutive years. It was noted that he had submitted an annual CPD statement of zero verifiable hours for the 2022 CPD year and an annual CPD statement of six verifiable hours for the 2023 CPD year. Mr Hoffman was informed within the notice that any written representation and evidence he wished to send to the Council must include the following for the period 01 January 2022 – 31 December 2023:
  - An up-to-date Personal Development Plan ("PDP")
  - A log or summary of the verifiable CPD activities completed; and
  - Documentary evidence in respect of each item of verifiable CPD completed.
9. On 18 March 2024, the Council received a letter from Mr Hoffman enclosing his CPD evidence. Within the letter, Mr Hoffman stated that he was aware that he had not completed the

necessary hours by the end of 2023. Mr Hoffman stated he had intended to retire at the end of 2023; however, he had decided to continue practising for 'at least another two years'. Mr Hoffman enclosed a CPD certificate for an Emergency First Aid at Work course completed on 30 May 2023, along with an email confirming the total CPD hours for this course was six verifiable hours.

10. On 11 April 2024, the Council sent a Rule 8 notice to Mr Hoffman's registered address by recorded delivery. This notice confirmed that Mr Hoffman had failed to provide a compliant CPD record demonstrating that he had met the minimum requirement for the period 01 January 2022 to 31 December 2023. Further, the letter outlined that the Council had considered Mr Hoffman's letter dated 18 March 2024 and applied the Guidance on the Registrar's discretion to erase for CPD non-compliance. The Council identified the following factors:
  - The events described by Mr Hoffman were not exceptional personal circumstances beyond his control; and
  - Notwithstanding Mr Hoffman's circumstances, he was able to continue working as a dental professional.
11. Therefore, the Registrar had made the decision to remove Mr Hoffman's name from the register for non-compliance with the Rules. Mr Hoffman was notified that unless an appeal was submitted, the Registrar's decision would take effect on 14 May 2024.

### **Appeal**

12. On 24 April 2024, the Council received a Notice of Appeal ("NOA") via post from Mr Hoffman which confirmed that he wished to appeal against the decision to remove him from the register. The NOA stated:
  - Mr Hoffman had intended to retire on 31 December 2023. However, decided he would like to work for another 2 – 3 years.
  - He did not do the required CPD however, intended to do so.
  - He did not receive the first letter to warn him of the effect of non-compliance in February.
  - He wishes to remain registered and had already started to complete the outstanding CPD.
13. On 25 April and 15 May 2024, Mr Hoffman's CPD evidence was assessed by an Operations Officer. Mr Hoffman was deemed to be noncompliant with his CPD requirements on the basis that he had four verifiable CPD hours outstanding for the period 01 January 2022 to 31 December 2023. It was noted that the CPD certificates provided by Mr Hoffman in support of his appeal were for courses completed outside of the relevant period and therefore, they could not be counted for the purpose of the assessment. It was confirmed that, as of 15 May 2024, Mr Hoffman had completed four verifiable CPD hours between 01 January 2022 and 31 December 2023.

### **Submissions**

14. In its written submissions, the GDC's position is that Mr Hoffman is non-compliant with the CPD requirements because he has failed to provide a CPD record demonstrating that he has completed the minimum requirement for the period 01 January 2022 to 31 December 2023, in accordance with Rule 2. The evidence submitted by Mr Hoffman showed that he had completed zero hours of verifiable CPD hours for 01 January 2022 to 31 December 2022 and six hours of verifiable CPD for 01 January 2023 to 31 December 2023. This clearly breaches the requirement that dentists submit evidence that they have completed a minimum of 10 hours verifiable CPD in each two-year period.
15. The Registrar acknowledges Mr Hoffman's submission that he intended to retire in 2023, however decided to continue his practise. The Registrar submits that all registrants are

expected to prioritise CPD as part of their regulatory requirements, as well as compliance with GDC standards.

16. The Registrar submits that any CPD completed after 31 December 2023 is not applicable to the relevant period of this appeal. Further, Mr Hoffman was sent a number of reminders by email and text message from 26 October 2023 to the end of the relevant period notifying him of the need to complete the required CPD and submit a compliant CPD statement by 28 January 2024.

### **Committee's decision and reasons on the appeal**

17. The Committee had regard to the documentary evidence provided today and took account of the written representations made by both parties. It accepted the advice of the Legal Adviser who advised that, whilst the CPD requirements themselves were mandatory, the Registrar and the Committee may erase a non-compliant registrant but are not compelled to do so.
18. The first consideration for the Committee was whether Mr Hoffman had complied with his CPD requirement for the 2022 and 2023 CPD years. Having carefully reviewed the documentation, the Committee determined that Mr Hoffman demonstrates having completed 6 hours of verifiable CPD within the period of 1 January 2022 to 31 December 2023. There is a shortfall of four hours and therefore, Mr Hoffman is non-compliant with his CPD requirements.
19. The Committee was satisfied that the required notices, including the Notice dated 26 February 2024, had been duly served on Mr Hoffman in accordance with the Rules and that the Registrar's power under Rule 8 to erase him for non-compliance with his CPD requirement was therefore engaged. The remaining consideration for the Committee was therefore whether the Registrar's decision to erase should be allowed to stand.
20. The Committee recognised that the CPD requirement is a mandatory statutory requirement which applies to all registered dental professionals. In principle, compliance is important in helping to ensure public protection 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. The Committee recognised that the permissive terms of Rule 8 of the Rules confer a discretion in relation to the question of erasure: whilst the CPD requirement itself is mandatory, enforcing that requirement by erasing a non-compliant practitioner is a decision where both the Registrar and the Committee have to make a judgement in the circumstances of the case as a whole.
21. The Committee was sympathetic to the personal circumstances Mr Hoffman outlined in his appeal. However, it did not consider them to be circumstances that would have prevented him from fulfilling his CPD requirements. The Committee considers that the Registrar's decision remains the correct one.
22. Accordingly, the appeal is dismissed. Unless Mr Hoffman exercises his right of appeal to the Court, the erasure decision will take effect upon the expiry of the 28-day appeal period.
23. The Committee wished to remind Mr Hoffman that it is open to him to apply for the restoration of his name to the register. The Committee hopes that such an application to restore would be processed expeditiously.
24. This will be confirmed to Mr Hoffman in writing.
25. That concludes this determination.