

PRIVATE HEARING**Registration Appeals Committee
CPD Appeal****4 April 2025****Name:** KECZEK, Ramona-Carolina**Registration number:** 259757**Case number:** CAS-210182-W0F6D7

General Dental Council: Michaela Onuchukwu of Counsel.
Instructed by Sushuma Chandrasekhar of IHLAS.**Registrant:** Present. Unrepresented.

Outcome: Appeal dismissed

Committee members: Michael Speakman (Chair, Dentist member)
Alastair Cannon (Lay member)
Natalie Lloyd (Dental Care Professional member)**Legal adviser:** Karen Rea**Committee Secretary:** Paul Carson

Miss Keczek,

1. This is a hearing before the Registration Appeals Committee (the “Committee”) to consider your appeal against the decision of the registrar to erase your name from the DCP register under the title dental nurse for non-compliance with your Continuing Professional Development (CPD) requirement.
2. The hearing was conducted remotely using Microsoft Teams and was part-held in private under Rule 14(1) of the General Dental Council (Registration Appeals) Rules 2006 to protect your right to a private and family life in respect of the personal mitigating circumstances on which you rely.

Background

3. You first registered with the GDC as a dental nurse on 21 August 2015. Your current CPD cycle began on 1 August 2021 and runs to 31 July 2026. In accordance with the General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 (the “Rules”), you are required to complete a minimum of 50 hours of CPD activity over the CPD cycle (Rule 2(1)), with at least 10 hours to be completed during each period of two consecutive CPD years (running 1 August to 31 July) within that cycle (Rule 2(5)(b)). This includes any two-year period which spans more than one CPD cycle.
4. Rule 2(6) of the Rules provides that CPD activity must be verifiable, with documentary evidence from the provider confirming, among other things, the subjects, learning content, aims, objectives and anticipated learning outcomes of the CPD and the date that the CPD was undertaken. Confirmation must also be provided that the CPD activity is subject to prescribed quality assurance measures.
5. In accordance with Rule 3(1) of the Rules, you are required to keep a log of all the CPD that you plan to undertake and have undertaken during the CPD cycle. Rule 4(1) requires you to submit an annual statement of your CPD activity to the registrar within 28 days of the end of each CPD year stating the hours which had been undertaken for that year, with the annual statement submitted in the final year of the CPD cycle also to include the total number of hours which had been undertaken during the cycle (Rule 4(2)).
6. Rules 6 and 7 of the Rules 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.
7. Rule 8 of the Rules 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 or other related obligations under the Rules.
8. A decision of the registrar to erase under Rule 8 is an appealable decision under paragraph 2(1)(h) of Schedule 4A to the Dentists Act 1984. In accordance with paragraph 4(5) of that Schedule, erasure shall not take effect until after the disposal of the appeal proceedings.

9. Between 22 May 2024 and 28 August 2024, the GDC sent you various reminders by email, post and SMS message relating to the annual renewal of your registration and your end of cycle CPD statement, which you were required to submit by 28 August 2024. You were reminded of the number of CPD hours which you would need to demonstrate in respect of your CPD cycle, including the need to demonstrate at least 10 hours within each consecutive two CPD year period.

10. On 25 September 2024, the GDC wrote to you under Rule 7 of the Rules to state:

*“Further to our reminders, our records show you did not complete your CPD submission for the cycle year **1 August 2023 – 31 July 2024** by the deadline of **28 August 2024**. Not complying with the CPD requirements for this period puts your registration and ability to practise at risk.*

*You must now make your CPD statement online or return the statement below by **23 October 2024** to ensure compliance with your CPD requirement. If we do not receive your statement by this date, **you may be at risk of being removed from the Register.**”*

11. Whilst there was no record of it before the Committee, it appears that you did then make a CPD statement by 23 October 2024.

12. On 05 November 2024, the GDC wrote to you under Rule 6 of the Rules to state:

“Thank you for submitting your CPD statement this year. However, our records show that you have not declared enough hours to meet the requirement of completing a minimum of 10 hours of CPD over two consecutive years. This puts your registration and ability to practise at risk.

*You had previously submitted a 2022-2023 CPD Annual statement of **0** verifiable hours and you have recently submitted a 2023-2024 CPD statement of **5** verifiable hours.*

What you need to do now

*To stay on the Register, you will need to send to us your CPD record to demonstrate that you have met the requirement between **1 August 2022 – 31 July 2024**. Please provide a copy of your CPD record, including any documentary evidence as detailed below by **3 December 2024**. Please let us know if there were any reasons or exceptional circumstances that meant you were unable to submit a compliant statement this year. We will consider these when deciding whether to take any further action.*

*Any written representations or evidence you send between **1 August 2022 – 31 July 2024** must include all of the following:*

- 1) Your up-to-date **Personal Development Plan (PDP)**, which outlines the CPD you planned to undertake during your cycle, the anticipated development outcomes for each activity, and timeframes for completion.*
- 2) A log or summary of verifiable CPD activities carried out during 1 August 2022 - 31 July 2024 indicating:*

- *The date the activity took place*
- *A description of each individual item of CPD activity or study*
- *The number of hours attributed to each item of CPD*

3) *The **documentary evidence** for each item of verifiable CPD completed during **1 August 2022 - 31 July 2024**. For example, your certificates of attendance at training courses. The evidence must be adequate to satisfy the Registrar you have complied with your CPD requirements...*

13. On 3 December 2024, you wrote to the GDC in response to the Rule 6 notice and enclosed a number of CPD certificates. In your letter you gave an explanation as to why you had been unable to meet the CPD requirements, setting out the following challenging personal circumstances:

- [IN PRIVATE];

- that you had moved house a couple of times in the last two years, resulting in the loss of paperwork; and

- [IN PRIVATE]

14. You requested that the GDC allow you time to complete any outstanding CPD, explaining that, whilst you note the deadline to provide your CPD by 3 December 2024, you had [IN PRIVATE] and have not been able to locate all your paperwork. You acknowledged your duty to meet your CPD requirement and asked the GDC to accept your sincere apologies, explaining that you had experienced distressing and unforeseen circumstances over the last few years.

15. The GDC wrote to you by email on 6 December 2024 the Council to state that it was sorry to hear of the difficulties you were facing and [IN PRIVATE]. The email requested receipt of the evidence by the extended deadline of 20 December 2024 and offered further assistance if required. No such evidence was provided by you in response to the GDC's email.

16. On 7 January 2025, the GDC wrote to you under Rule 8 of the Rules to inform you of the registrar's decision "*to remove your name from the dental care professional register for non-compliance with the General Dental Council's CPD requirement.*" The letter explained that the reason for this was because:

"Your evidence demonstrates that you have completed 0 hours of verifiable CPD between 1 August 2022 – 31 July 2023 and 0 hours of verifiable CPD between 1 August 2023 – 31 July 2024. This is not enough to meet your CPD requirements to complete a minimum of 10 hours of verifiable CPD for every two consecutive CPD year period.

Your CPD remains deficient because:

- *You are outstanding 10 verifiable CPD hours.*
- *You have not provided a Personal Development Plan and Activity Log.*
- *GSK - Talking Points in Dentistry - dated on 03 August 2016 is outside the requested [sic] cycle dates.*



- *Colgate Certificate - dated on 23 April 2015 is outside the requested [sic] cycle dates.*
- *NHS Certificate - It is dated outside the requested [sic] cycle dates.*
- *4x My Bupa CPD Certificates - are dated outside the requested [sic] cycle dates.*
- *Temp dent Certificate - dated on 09 November 2016 is outside the requested [sic] cycle dates.*
- *x21 Certificates dated between 2021 - 2022 CPD Cycle - are dated outside the requested cycle dates.*

We have considered the evidence provided namely letter dated, [sic] email dated [sic] and attachments, [IN PRIVATE]. We have applied the Guidance on the Registrar's Discretion to erase for CPD Noncompliance.

We have identified the following factors:

- 1. Although you have expressed extenuating personal circumstances, these circumstances have not been [IN PRIVATE].*
- 2. There is no evidence that you have attempted to meet your CPD or otherwise engaged positively with your CPD requirements, , [sic] notwithstanding your personal circumstances."*

The appeal

- 17. On 4 February 2025, you lodged a notice of appeal against the registrar's decision and enclosed some CPD records. In your notice of appeal, you explained that you have always been a good nurse who tries to keep up with her obligations and responsibilities. However, difficult personal circumstances impacted on your ability to meet your CPD requirement. [IN PRIVATE].*
- 18. On 7 February 2025, the GDC assessed all the CPD records you had provided and maintained its position that you are not compliant with your CPD requirement for the following reasons:*

"The Notice of Appeal with additional evidence was received by the Hearings Department on 04 February 2025 and forwarded to the Register Maintenance Team on 05 February 2025.

Reasons the CPD evidence is non-compliant:

- *You did not provide a Personal Development Plan or an Activity Log.*
- *29x certificates were dated prior to the requested cycle dates, which should start from 01 August 2022.*

As of 07 February 2025, this registrant has completed 0 hours of verifiable CPD, this is not enough to meet the Enhanced CPD requirements to submit 10 hours of CPD over 2 consecutive years for the years 2022-2024.

Miss Ramona-Carolina Keczek must provide a further 10 hours of verifiable CPD evidence for the years 1 August 2022 to 31 July 2024.”

19. The registrar’s position in response to the appeal, as set out in the GDC Case Summary dated 11 March 2025, is that, although *“The Registrar is extremely sympathetic to Miss Keczek’s personal circumstances and acknowledges the challenges she has faced”*, it was your responsibility to familiarise yourself with your mandatory statutory CPD requirement and to comply with it.
20. The registrar’s position is that: *“It is open to Miss Keczek to apply to restore her registration at any time following this appeal”*.
21. On 27 March 2025, a week before this hearing, you submitted additional evidence in support of your appeal, including further CPD certificates. These were assessed by the GDC the following day, who concluded that you remain non-compliant for the following reasons:
 - *You did not provide a Personal Development Plan.*
 - *29x certificates were dated prior to the requested cycle dates, which should start from 01 August 2022.*
 - *On your Activity Log all the activities listed are outside the requested cycle years.*

As of 28 March 2025, this registrant has completed 0 hours of verifiable CPD, this is not enough to meet the Enhanced CPD requirements to submit 10 hours of CPD over 2 consecutive years for the years 2022-2024.

The appeal hearing 4 April 2025

22. Today, Ms Onuchukwu submitted that it remains the registrar’s position that you are non-complaint with your CPD requirement. In respect of the extenuating personal circumstances on which you rely, she submitted that the registrar adopts a neutral position as to whether your appeal should be allowed on this ground.
23. You gave evidence to the Committee under affirmation, in which you discussed the various difficult and distressing personal circumstances you had experienced over the past few years which you stated had impacted on your ability to meet your CPD requirement of completing at least 10 hours of CPD within the two-year period under consideration. You also discussed practical difficulties you had experienced in being able to obtain documentary evidence in support of these circumstances. **[IN PRIVATE]**
24. In answer to a question from a member of the Committee on your working arrangements, you stated that you are not currently working and that you previously worked as a dental nurse through an agency on an occasional ad hoc basis. You stated that you think you last worked at some point last year, but cannot recall clearly. You apologised to the Committee for not meeting your CPD requirement. You explained that you had tried your best and are only human, reiterating the cumulative effect of your difficult and distressing personal circumstances.

Decision

25. The Committee accepted the advice of the Legal Adviser.
26. The first consideration for the Committee was whether you had complied with your CPD requirement by completing at least 10 hours of CPD within the two-year period 1 August 2022 to 31 July 2024. Having reviewed your CPD record, the Committee determined that you demonstrate 0 hours of CPD for this period and that there is therefore a shortfall of 10 hours. Whilst there was evidence of a significant amount CPD activity undertaken outside of this period, no evidence had been provided by you of any activity undertaken within the two-year period which is the subject of this appeal. The Committee cannot take into account any CPD undertaken outside that period. In addition, you are still yet to provide a Personal Development Plan despite numerous requests for this mandatory requirement. Accordingly, the Committee was satisfied that you were not compliant with your CPD requirement.
27. The Committee was satisfied that the required notices had been duly served on you in accordance with the Rules and that the correct procedure leading to the registrar's erasure decision had been followed.
28. 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 public protection and 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 on the registrar in relation to erasure: whilst the CPD requirement itself is mandatory, enforcing that requirement by erasing a non-compliant practitioner is a matter of discretion.
29. The question of proportionality therefore arises. In considering this question, the Committee had regard to the GDC's *Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance* (February 2024) (the "Guidance").
30. In the Committee's judgement, the decision to erase was consistent with the Guidance and is in any event proportionate in all the circumstances. You were in clear breach of your CPD requirement. The breach was neither marginal nor technical. Whilst you refer to difficult and distressing personal circumstances, in respect of which the Committee expresses its sympathy, these did not, in the Committee's judgment, on the limited evidence you have provided, prevent you from completing at least 10 hours of CPD during the two-year period in question. The Committee noted your own evidence that you were still working on an ad hoc basis as a dental nurse as recently as last year. In this regard, the Committee reminded itself of paragraph 15 of the Guidance, which states: *"...If a registrant has, notwithstanding their circumstances, been able to continue working as a dental professional, the Registrar is highly unlikely to exercise their discretion not to erase for a failure to meet their CPD requirements during the same timeframe."*
31. Whilst the Committee is sympathetic, as you appear to have experienced difficult and distressing personal circumstances during the two-year period in question and beyond, the burden is on you to establish that your appeal should be allowed, you have provided only sporadic and limited evidence in support of your appeal. You have had ample opportunity to obtain and disclose any further evidence on which you might seek

to rely. The Committee is unable to establish from the evidence that has been adduced whether and to what extent your personal circumstances prevented you from being able to complete your CPD. On the face of the available evidence, your personal circumstances were not such that they prevented you from being able to complete the required 10 hours. Indeed, it appears you were still able to continue working as a dental nurse for some or all of the two year period in question.

32. Having regard to all the evidence, the Committee determined that there are no grounds on which this appeal could be allowed. Neither is there any basis on which the decision of the registrar should be substituted with some other decision he could have made, or for the case to be remitted to him to dispose of in accordance with the directions of the Committee. You had failed to demonstrate that you were compliant with your CPD requirement. The decision of the registrar to erase your name was proportionate and was reached correctly in accordance with the procedural requirements of the Rules and followed repeated reminders to you of your CPD requirement and the importance of compliance to maintain continued registration, repeated reminders which you seemingly completely ignored.
33. This appeal must therefore fail and is dismissed. Unless you exercise your right of appeal to the court, the erasure decision will take effect upon the expiry of the 28-day appeal period. It is open to you to then apply for the restoration of your registration if you meet the CPD and other requirements for restoration.
34. That concludes this determination.