

**ON PAPERS****Registration Appeals Hearing  
CPD Appeal Hearing****11 July 2024****Name:** KSHIRSAGAR, Smita Atul**Registration number:** 151006

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**General Dental Council:** Amrit Sagoo, ILAS**Registrant:** Unrepresented

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**Outcome:** Appeal dismissed

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

**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.**

1. This is an appeal hearing before the Registration Appeals Committee (RAC). The appeal is against the decision of the Registrar of the General Dental Council (GDC) to erase Mrs Kshirsagar's name from the Register for 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 Appeal Rules'), pursuant to Schedule 2A of the Dentists Act 1984 (as amended) ('the Act').
2. The meeting is being conducted remotely by Microsoft Teams video-link in line with the current practice of the GDC.
3. Mrs Kshirsagar did not seek an oral hearing for her appeal. The Committee first considered whether the notice of this appeal had been served on Mrs Kshirsagar 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 Mrs Kshirsagar's absence on the papers before it in accordance with Rule 4(3).

#### **Private Application**

4. The Committee noted the GDC's application, made in their written submissions, for today's meeting to be part-held in private. In the absence of either party, the Committee's consideration of the appeal was conducted on the basis of the papers in the absence of any public observers. Nevertheless, in light of some of the information before it, which relates to Mrs Kshirsagar's private life, and following advice from the Legal Adviser, the Committee had regard to its power under Rule 14 of the Registration Appeal Rules. It decided that it would produce a private and public version of its determination.
5. 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 Mrs Kshirsagar.
6. The Committee also received written submissions made on behalf of the Registrar, dated 13 June 2024, from Amrit Sagoo. Ms Sagoo 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')

#### **Summary of the factual background**

7. Mrs Kshirsagar first registered with the General Dental Council ("the Council") as a dentist on 23 June 2008. Therefore, in accordance with Rule 1 as set out above, Mrs Kshirsagar's current CPD cycle began on 1 January 2024 and will end on 31 December 2028. The CPD cycle which has been assessed, and the evidence for which has been deemed non-compliant, and which is the subject of this appeal, is Mrs Kshirsagar's CPD cycle for the period 1 January 2019 to 31 December 2023.
8. On 26 October 2023, the Council sent an email reminder to Mrs Kshirsagar's registered email address. This reminder notified Mrs Kshirsagar that her CPD cycle was coming to an end and reminded her that she was required to submit her End of Cycle ('EOC') CPD statement, detailing how many CPD hours she had completed during that year, by 28 January 2024. Mrs Kshirsagar was advised that if she did not submit a compliant statement before the deadline,

her registration may be put at risk. Mrs Kshirsagar was informed that as she was in her final year of her CPD cycle she could request a 56-day period of grace in order to ensure her compliance with the CPD requirement, if she had a good reason. Mrs Kshirsagar was informed she would need to apply for a grace period by 31 December 2023.

9. On 28 November 2023, 7 December 2023, 12 December 2023 and 10 January 2024 the Council sent an email to Mrs Kshirsagar in which she was reminded that her Annual Renewal for 2024 was due on or before 31 December 2023. On 23 January 2024 and 26 January 2024, the Council sent two SMS reminders regarding the CPD statement to Mrs Kshirsagar's registered mobile number.
10. On 26 February 2024, the Council sent a notice under Rule 6 to Mrs Kshirsagar by recorded delivery to her registered address. The notice stated that, although Mrs Kshirsagar had submitted a CPD statement to the Council, she had not declared enough hours to meet the CPD cycle requirements. No correspondence was received by the Council from Mrs Kshirsagar.
11. On 11 April 2024, the Council sent a Rule 8 notice to Mrs Kshirsagar's registered address by recorded delivery. This notice confirmed that Mrs Kshirsagar had failed to provide a compliant CPD record demonstrating that she had met the minimum CPD requirement for the period 1 January 2019 to 31 December 2023 and that as a result, the Registrar had made the decision to remove her name from the register for non-compliance with the Rules. Mrs Kshirsagar was notified that unless an appeal was submitted, the Registrar's decision would take effect on 14 May 2024.

### **Appeal**

12. On 16 April 2024, the Council received a Notice of Appeal ('NOA') accompanied by a number of supporting documents via post from Mrs Kshirsagar which confirmed that she wished to appeal against the decision to remove her from the register. Within the NOA, Mrs Kshirsagar set out her personal circumstances which had resulted in her failing to submit a compliant CPD statement. Mrs Kshirsagar sincerely apologised for the oversight and set out the unfortunate and unexpected circumstances which had led to her non-compliance, as follows:-

- [IN PRIVATE].

- [IN PRIVATE].

- Mrs Kshirsagar had only recently returned from India on 27 December 2023, and she had been unable to keep up with all her correspondence.

- [IN PRIVATE].

- As of 8 April 2024, Mrs Kshirsagar had secured a new role as an Associate Dentist. She explained that as she is 'now in a better place' she would like to take this opportunity to reassure the Council of her commitment to complying with her CPD requirements.

13. Mrs Kshirsagar's CPD evidence was assessed by a Senior Operations Officer on 18 April, 26 April, 7 May, 17 May, 21 May 2024. It was stated that Mrs Kshirsagar's CPD evidence was non-compliant as she did not provide an Activity Log and several certificates provided by Mrs Kshirsagar were out of cycle years or had no learning content, aims and objectives or development outcomes. Further evidence assessed on 17 May 2024 determined that several certificates dated 2024 were out of cycle years and therefore not applicable for this assessment. Additional evidence was assessed on 21 May 2024 and was also deemed to have no learning content and aims and objectives. It was confirmed that, as of 21 May 2024,

Mrs Kshirsagar had completed 69 verifiable CPD hours between 1 January 2019 and 31 December 2024.

14. The last assessment was made on 16 June 2024, where Mrs Kshirsagar was deemed to be non-compliant with her CPD requirements on the basis that she had 25 verifiable CPD hours outstanding for the period 1 January 2019 to 31 December 2023.

### Submissions

15. In the GDC's written submissions, they set out the reasons for the decision of non-compliance with CPD requirements, as follows:

*It is the Registrar's position that Mrs Kshirsagar failed to submit a compliant CPD record for the CPD cycle 1 January 2019 to 31 December 2023, as is required under Rule 2. Mrs Kshirsagar has failed to declare enough hours to meet the requirements to complete a minimum of 100 hours of verifiable CPD across the five-year CPD cycle.*

*It is submitted by the Registrar that Mrs Kshirsagar was reminded on numerous occasions, via three different means of communication of the need to complete her CPD requirements and of the requirement to complete 100 verifiable CPD hours for the CPD cycle period, as set out in detail above.*

*As set out above in the legal framework, there is no power to waive these provisions.*

*The Registrar acknowledges and sympathises with Mrs Kshirsagar's very difficult and unfortunate circumstances she has faced over the years. However, the Council was not informed of her personal circumstances prior to the issuing of the Rule 8 Notice. Mrs Kshirsagar was notified that she could apply for a grace period, on a number of occasions, but the Council did not receive any such request.*

*The Registrar submits that Mrs Kshirsagar would have had sufficient opportunities to complete the required CPD and further, she ought to be aware of the requirements for continued registration, which includes ongoing compliance with the CPD requirements both annually and, during each five-year CPD cycle.*

*As of 21 May 2024, Mrs Kshirsagar has completed 75 verifiable CPD hours between 1 January 2019 and 31 December 2023, which clearly breaches the requirement that dentists submit evidence that they have completed a minimum of 100 verifiable CPD hours in each five-year CPD cycle period.*

*It is noted that Mrs Kshirsagar's makes reference to a period of time away from work due to resigning from her position as an associate dentist [IN PRIVATE]. The Registrar submits that even when Mrs Kshirsagar is not working in dentistry, but wishes to maintain her registration, she is required to comply with the CPD requirements. This is because CPD is linked to registration and not employment and therefore, the Registrar submits that Mrs Kshirsagar would have been required to complete the necessary requirements for her CPD cycle, including submitting a compliant EOC CPD statement even whilst not working or being away from the UK.*

*The Registrar submits that it is a matter for the Committee to determine Mrs Kshirsagar's appeal, considering all of the available evidence, which includes the evidence in support of her personal circumstances, and which were not available to the Registrar at the time of the decision to erase her name from the dental register.*

*It is open to Mrs Kshirsagar to apply to restore her registration at any time following this appeal."*

**Committee's decision**

16. 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 may erase a non-compliant registrant, but is not compelled to do so, and the Committee has the powers in paragraph 4(8) of schedule 4A of the Act.
17. The first consideration for the Committee was whether Mrs Kshirsagar had complied with her CPD requirement for the period 1 January 2019 to 31 December 2023. Having carefully reviewed the documentation, the Committee determined that Mrs Kshirsagar has demonstrated having completed 75 hours of verifiable CPD within the relevant period. There is a shortfall of 25 hours and therefore, Mrs Kshirsagar is non-compliant with her CPD requirements.
18. The Committee was satisfied that the required notices had been duly served on Mrs Kshirsagar in accordance with the Rules and that the registrar's power under Rule 8 to erase her for non-compliance with her 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.
19. 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.
20. The Committee concluded that it is Mrs Kshirsagar's responsibility to be familiar with the requirements and to comply with the information set out in correspondence from the GDC.
21. The Committee acknowledged the significant amount of CPD she has completed since the removal. The Committee was sympathetic to the personal circumstances Mrs Kshirsagar outlined in her appeal but did not consider them to be circumstances that would have prevented her from fulfilling her CPD requirement. Based on the information before it, the Committee considered that Mrs Kshirsagar had sufficient and appropriate notice regarding her 5-year CPD cycle coming to an end, and therefore an opportunity to address the shortfall. It noted that Mrs Kshirsagar had the opportunity to apply for a grace period but did not do so.
22. Accordingly, the appeal is dismissed. Accordingly, the appeal is dismissed. Unless Mrs Kshirsagar exercises her right of appeal to the Court, the erasure decision will take effect upon the expiry of the 28-day appeal period.
23. This will be confirmed to Mrs Kshirsagar in writing.
24. That concludes this determination.