

ON PAPERS

Registration Appeals Committee (CPD Appeal)

6 June 2024

Name: TRANDAF, Ionela

Registration number: 286133

Case number: CAS-205532-V4N9Q8

General Dental Council: Amelia Hubbard, ILAS

Registrant: Unrepresented

Outcome: Appeal dismissed

Committee members: Margaret Wolff (Chair, Lay Member)
Avril Fraser (Dental Care Professional Member)
Omar Bhutta (Dentist Member)

Legal Adviser: Jayne Wheat

Committee Secretary: Lola Bird

At this hearing the Committee made a determination that includes some private information. That information has been omitted from this public version of the determination, and this public document has been marked to show where private material has been removed.

1. This is an appeal before the Registration Appeals Committee. The appeal is against the decision of the Registrar of the General Dental Council (GDC) to remove Miss Trandaf's name from the Dental Care Professionals Register ('the Register') for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements.
2. The appeal 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 Dentists Act').
3. The proceedings are being conducted remotely by Microsoft Teams video-link.

Decision to conduct the appeal in the absence of the registrant and on the papers

4. Neither party was present today. The Committee noted that conducting an 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 Trandaf had made no such request. The Committee took into account that under Rule 4 of the Registration Appeal Rules an appeal may be determined without a hearing.
5. Notification of this appeal was sent to Miss Trandaf by Recorded Delivery and by secure email on 25 April 2024 in accordance with Rule 5 of the Registration Appeal Rules. The Committee noted the Royal Mail confirmation of the posting of the convening notice, as well as the evidence of its receipt by Ms Trandaf.
6. The Committee also noted that the bundle of documents and case summary that it would be considering were also sent to Miss Trandaf on 25 April 2024.
7. In all the circumstances, and after accepting the advice of the independent Legal Adviser present at these proceedings, the Committee was satisfied that it was appropriate to consider today's appeal in the absence of either party and on the papers.

Preliminary application to hold the appeal partly in private

8. The Committee had regard to the preliminary application made in the case summary provided by the GDC for part of Miss Trandaf's appeal to be conducted in private under Rule 14(1) of the Registration Appeals Rules.
9. In the absence of either party, the Committee's consideration of Miss Trandaf's appeal was undertaken on the papers without any members of the public present. Nevertheless, given the sensitive and personal nature of some of the information placed before it, and following advice from

the independent Legal Adviser, the Committee decided to produce both a private version of its determination, and a suitably redacted public version for publication.

Summary of the legal framework

10. The Committee had regard to the legal framework in relation to this appeal. It noted the relevant provisions as contained in the Dentists Act and the *General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017* ('the CPD Rules').

11. The current CPD Rules came into force on 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018. These set out the CPD requirements placed on dental care professionals and the steps that the GDC shall take in respect of registrants' compliance and non-compliance with those requirements.

12. 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.

13. Rule 2 sets out that the minimum number of CPD hours to be undertaken.

14. Rule 2(5) states that in completing the minimum number of hours, a practitioner must 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).

15. Rule 2(6) states that:

Any CPD undertaken by the practitioner is only to count towards the minimum number of hours ... if—

(a) there is documentary evidence from the provider of the CPD which states—

- (i) the subjects, learning content, aims, objectives and anticipated learning outcomes of the CPD and the date that the CPD was undertaken,*
- (ii) the total number of hours of CPD undertaken,*
- (iii) the name of the practitioner who has participated in the CPD activity,*
- (iv) that the CPD is subject to quality assurance and the name of the person or body providing the quality assurance is provided;*
- (b) that documentary evidence includes confirmation from the provider that the information contained in it is full and accurate; and*
- (c) the CPD delivered a learning outcome identified in the practitioner's CPD record in accordance with rule 3(2)(a).*

16. 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.

17. 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.

18. 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.

19. 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

20. Miss Trandaf first registered with the GDC as a dental nurse on 8 October 2019. Therefore, in accordance with Rule 1 as set out above, Miss Trandaf's current CPD cycle began on 1 August 2020 and will end on 31 July 2025.

21. On 14 June 2023, the GDC sent an email reminder to Miss Trandaf's registered email address. This reminder notified Miss Trandaf 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 2023. Miss Trandaf was advised that if she did not submit a compliant statement before the deadline, her registration may be put at risk.

22. Also, on 14 June 2023, the GDC sent Miss Trandaf an 'Annual Renewal Notice' letter to her registered address at the time. The Annual Renewal Notice is designed to remind registrants that their registration with the GDC 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 Trandaf was further reminded in this notice that she was required to submit her CPD statement by 28 August 2023. It was also stated that Miss Trandaf would need to have completed at least 10 hours of CPD over the last two years unless she was in the first year of her first CPD cycle.

23. Thereafter, between 6 July 2023 and 25 August 2023, a number of communications were sent to Miss Trandaf, in which the GDC reminded her about her CPD requirements and the deadline for submission of a compliant CPD statement.

24. On 25 August 2023, Miss Trandaf submitted an annual CPD statement for the 2022 to 2023 CPD year, declaring that she had completed 6 verifiable CPD hours.

25. On 9 October 2023, the GDC sent a notice under Rule 6 to Miss Trandaf at her registered address known to the Council at that time. The notice stated that, although she had submitted a CPD

statement to the GDC, she had not declared enough hours to meet the requirement of a minimum of 10 hours of CPD over two consecutive years. It was noted that she had submitted an annual CPD statement of 0 verifiable hours for the 2021 to 2022 CPD year, and an annual CPD statement of 6 verifiable hours for the 2022 to 2023 CPD year. The notice stated that if Miss Trandaf wished to retain her registration, she should submit her CPD record to the Registrar by 6 November 2023 in order to demonstrate that she had met the requirement. Miss Trandaf was informed that if the GDC did not receive a response to the notice or if her response was unsatisfactory, she may be erased from the Register. A copy of the Rule 6 notice was also sent to Ms Trandaf by email on 10 October 2023.

26. The copy of the Rule 6 notice sent to Miss Trandaf by post was subsequently 'returned to sender'. However, she received the copy of the notice sent by email, and on 2 November 2023 she telephoned the GDC to confirm receipt. She stated that she would send the Council all the CPD evidence that she had. Miss Trandaf was further advised at that time of the requirement to complete a minimum of 10 hours of CPD over two consecutive years.

27. On 6 November 2023, the GDC sent Miss Trandaf a 'Non-compliant' letter by email. This letter explained that, despite the CPD evidence submitted, Miss Trandaf remained non-compliant with her CPD requirements as she had completed 0 hours of verifiable CPD between 1 August 2021 and 31 July 2022 and 2 hours of verifiable CPD between 1 August 2022 and 31 July 2023. It was noted Miss Trandaf had not met the required 10 hours of CPD over two years and that she had not submitted an Activity log or Personal Development Plan in accordance with Rule 3 of the CPD Rules. Additionally, some of the CPD evidence she had submitted was dated outside the requested assessment period and therefore not applicable for the assessment, and one CPD certificate could not be accepted as it did not contain learning content, development outcomes, aims, objectives and quality assurance. Miss Trandaf was advised to await a decision from the GDC, as she had failed to meet the enhanced CPD requirements.

28. On 8 November 2023 the GDC received a Personal Development Plan from Miss Trandaf.

29. On 9 November 2023, the GDC sent Miss Trandaf another 'Non-compliant' letter by email. This letter explained that, despite the CPD evidence submitted, she remained non-compliant with her CPD requirements, as she had completed 0 hours of verifiable CPD between 1 August 2021 and 31 July 2022 and 2 hours of verifiable CPD between 1 August 2022 and 31 July 2023. It was noted Miss Trandaf had not met the required 10 hours of CPD over two years and had not submitted an Activity log. Additionally, some of the CPD evidence that she had submitted was dated outside the requested assessment period and was therefore not applicable for the assessment, and one certificate could not be accepted as it did not contain learning content, development outcomes, aims, objectives and quality assurance. Miss Trandaf was advised to await a decision from the GDC, as she had failed to meet the enhanced CPD requirements.

30. On 20 November 2023, the GDC sent a Rule 8 notice to Miss Trandaf's registered address as known to the Council at that time. This notice confirmed that Miss Trandaf had failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period of 1 August 2021 to 31 July 2023 and that as a result, the Registrar had made the decision to remove

her name from the Register for non-compliance with the CPD Rules. Miss Trandaf was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 January 2024.

The appeal

31. On 23 November 2023, the GDC received a Notice of Appeal (NOA) via email from Miss Trandaf, in which she confirmed that she wished to appeal against the decision to remove her name from the Register. Ms Trandaf provided a number of CPD certificates in support of her appeal.

32. Within her NOA, Miss Trandaf outlines her personal circumstances which she said affected her ability to undertake the required CPD hours. [PRIVATE]. She believed that she had enough time during the 5-year cycle to complete the remaining CPD hours, which she thought was only 8 verifiable hours. Miss Trandaf states that since August 2020 she has completed 42 hours of verifiable CPD. Lastly, Miss Trandaf asks the GDC to give her "*more time to do the required verifiable hours*".

33. On 27 November 2023, Miss Trandaf's CPD evidence was assessed by a GDC Registration Operations Officer. Miss Trandaf was deemed to be non-compliant with her CPD requirements on the basis that she had 8 verifiable CPD hours outstanding for the period 1 August 2021 to 31 July 2023. It was noted that the CPD certificates provided by Miss Trandaf in support of appeal were for courses completed outside of the relevant period or did not contain learning aims, outcomes, or objectives. Therefore, those certificates could not be counted for the purpose of the assessment. Furthermore, Miss Trandaf failed to provide an Activity log. It was concluded that, as of 27 November 2023, Miss Trandaf had completed 2 verifiable CPD hours between 1 August 2021 and 31 July 2023.

34. It is the Registrar's position that Miss Trandaf is non-compliant with the CPD requirements because she has failed to provide a CPD record demonstrating that she has completed the minimum requirement for the period 1 August 2021 to 31 July 2023, in accordance with Rule 2(5) of the CPD Rules.

35. It is submitted on behalf of the Registrar that Miss Trandaf 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. 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 annually and during each five-year CPD cycle.

36. It is highlighted that the requirement to complete a minimum of 10 CPD hours over a two-year period is separate from the requirement to complete a total of 50 hours across the five-year cycle.

37. It is further submitted that the Registrar sympathises with Ms Trandaf's personal circumstances, as outlined in her NOA. However, it is submitted that notwithstanding her personal difficulties, Miss Trandaf would have had sufficient opportunity to complete the required hours of CPD between 1 August 2021 and 31 July 2023.

The Committee's decision on the appeal

38. The Committee considered all the documentation in relation to this appeal, including Miss Trandaf's NOA and the supporting evidence she provided. The Committee had regard to the written submissions made by the GDC on behalf of the Registrar. The Committee heard and accepted the advice of the independent Legal Adviser present at these proceedings.

39. The first consideration for the Committee was whether Miss Trandaf had complied with the CPD requirement of completing a minimum of 10 hours of verifiable CPD over the two-year period from 1 August 2021 to 31 July 2023.

40. Having carefully reviewed the CPD evidence Miss Trandaf submitted to the GDC, the Committee determined that this evidence demonstrates that she completed 2 hours of verifiable CPD over the two-year period in question. Accordingly, there is a shortfall of 8 hours. Therefore, the Committee determined that Miss Trandaf is not compliant with the statutory CPD requirement to undertake at least 10 hours of CPD during each period of two consecutive CPD years. The Committee further noted that Miss Trandaf did not submit an Activity Log, which is also part of her CPD obligations.

41. The Committee had regard to the extenuating circumstances outlined by Miss Trandaf in her NOA. However, the Committee did not consider that there was any information before it amounting to exceptional circumstances as specified in the '*Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance*' (February 2024). [PRIVATE].

42. The Committee was satisfied that Miss Trandaf was sent the required notices under the CPD Rules. It also noted that numerous reminders were sent to her by the GDC in various forms, regarding the need to complete a minimum of 10 hours of verifiable CPD over the two-year period concerned. Whilst the Committee noted the evidence that Miss Trandaf has completed over 40 hours of CPD towards her current five-year CPD cycle, her obligation to complete a minimum of 10 hours CPD from 1 August 2021 to 31 July 2023 was a separate requirement.

43. CPD requirements are mandatory statutory requirements which apply to all registered dental professionals. Compliance is important in helping to ensure public protection and in maintaining public confidence in the dental profession, so as to meet the overarching objective of the GDC under Section 1 of the Dentists Act. All registered dental professionals should be aware of the requirements for maintaining their registration.

44. Having had regard to all the circumstances of this case, the Committee determined that there are no grounds on which Miss Trandaf's appeal could be allowed. She has failed to demonstrate that she has completed the minimum 10-hour requirement. The Committee was satisfied that the decision of the Registrar to erase Miss Trandaf's name from the Register was reached correctly and proportionately in accordance with the procedural requirements of the CPD Rules.

45. Accordingly, this appeal is dismissed.

46. Unless Miss Trandaf exercises her right of appeal to the relevant court, the erasure decision will take effect upon the expiry of the 28-day appeal period. It will then be open to Miss Trandaf to apply for the restoration of her registration if she meets the CPD and other requirements for restoration.

47. That concludes this determination.