

PRIVATE MEETING ON THE PAPERS

Registration Appeals Committee

10 May 2024

Name: ALVES SYM, Ivy

Appeal reference number: 11307411

Case number: CAS-204281

General Dental Council: Lauren Francis, ILAS (not present)

Registrant: Not present

Outcome: Appeal dismissed

Committee members: Martin Isherwood (Dental Care Professional) (Chair)
Elizabeth Murphy (Dentist)
Audrey McFarlane (Lay)

Legal adviser: Paul Moulder

Professional adviser: Malcolm Smith

Committee Secretary: Gareth Llewellyn

1. This is an appeal meeting before the Registration Appeals Committee (RAC). Neither party is present following a request that the appeal be considered on the papers and in the absence of parties in accordance with paragraphs 4 (3) and 5 (2) of the General Dental Council (Registration Appeals) Rules 2006 ('the Appeal Rules'). This appeal meeting has been convened in accordance with the Appeal Rules, pursuant to Section 36J of the Dentists Act 1984 (as amended) ('the Act').

Purpose of meeting

2. The purpose of the meeting is to consider Mrs Alves Sym's appeal against the decision taken by the Registrar not to grant her application to be registered as an orthodontic therapist.

Proceeding in the appellant's absence

3. The Committee was satisfied that it was appropriate to proceed in the absence of Mrs Alves Sym. The Committee considered that service of notice of these proceedings was properly served on Mrs Alves Sym in accordance with the Appeal Rules. It also noted that on 12 March 2024 Mrs Alves Sym emailed the Dental Professional Hearings Service to state that she was content for the appeal to be considered in her absence on the papers. The Committee also noted that in its written submissions the GDC similarly stated that it was content for the matter to be considered on the papers. The Committee was also satisfied that it was appropriate for it to consider the appeal at a meeting rather than at a hearing, as it was of the view that the requirements of paragraphs 4 (3) and 5 (2) of the Appeal Rules have been met.

Background to the appeal

4. Mrs Alves Sym's application for registration as an orthodontic therapist was received by the GDC on 7 March 2022.
5. A Registration Assessment Panel ('the Panel') considered Mrs Alves Sym's application on 4 August 2022 and determined that Mrs Alves Sym had not demonstrated that she has the requisite knowledge and skill to be registered as an orthodontic therapist. These requirements derive from Section 36C (4) of the Act. The Panel identified a number of deficiencies in Mrs Alves Sym's knowledge and skill across her primary dental qualification, her professional experience and her additional training. Accordingly, the Panel recommended that Mrs Alves Sym's application for registration as an orthodontic therapist be refused. This recommendation was adopted by the Registrar. In communicating the Registrar's decision to refuse registration to Mrs Alves Sym, the GDC detailed a number of learning outcomes which the Panel had considered she had not covered either as part of her training or her professional experience.
6. Mrs Alves Sym asked for her application to be reassessed, and provided further documentation in support of her renewed application. Her application was reassessed by a Registration Assessment Panel. The Committee understands from the information presented to it that this took place in April 2023. That Panel considered that Mrs Alves Sym's knowledge and skill remained deficient in a wide range of areas across her primary dental qualification, her professional experience and her additional training. The Registrar again relied on the Panel's recommendation and decided to refuse Mrs Alves Sym's application for registration as an orthodontic therapist. In communicating the Registrar's decision to refuse registration to Mrs Alves Sym, the GDC again detailed a number of learning outcomes which the Panel had considered she had not covered either as part of her training or her professional experience.

7. In June 2023 Mrs Alves Sym appealed against the Registrar's decision to refuse her application for registration.
8. A hearing of the appeal was postponed on 17 November 2023 by the RAC and has been relisted to be considered today.

Evidence

9. In considering this appeal the Committee has considered all the evidence provided to it, including the documentary evidence that Mrs Alves Sym has sent in support of her application for registration and her appeal.

Submissions

10. In her notice of appeal letter dated 13 June 2023 Mrs Alves Sym stated that she considers that she has the requisite knowledge and skill to practise as an orthodontic therapist.
11. In its written submissions the GDC stated that its position is based on the recommendation of the Panel as summarised above. The GDC also stated that it notes that Mrs Alves Sym has provided further information in support of her appeal and that she has highlighted some information which she considers addresses the Panel's concerns. The GDC stated that it is a matter for the Committee to assess this, and all other, information, and reminded the Committee that the burden is on Mrs Alves Sym to satisfy the Committee that she has the requisite knowledge and skill to be registered.

Committee's consideration

12. The Committee has taken into account the evidence and submissions provided to it. The Committee has accepted the advice of the Legal Adviser and the Professional Adviser.
13. The Legal Adviser, amongst other advice, advised the Committee that Mrs Alves Sym bears the burden of demonstrating that her name should be entered on to the register as an orthodontic therapist.
14. The Committee's powers when considering such appeals are set out at paragraph 4 (8) of Schedule 4A of the Act. The Committee may, in short, decide to dismiss the appeal, allow the appeal and thereby quash the decision appealed against, substitute for the decision appealed against any other decision that the Registrar could have made, or remit the case to the Registrar for disposal in accordance with any directions that it may wish to give.
15. In determining Mrs Alves Sym's appeal the Committee has considered whether Mrs Alves Sym has demonstrated that she has the necessary knowledge and skill to register as an orthodontic therapist in the UK, having taken into account all of her dental qualifications, knowledge and experience.

Committee's decision

16. The Committee has determined to dismiss Mrs Alves Sym's appeal.
17. The Committee considers that Mrs Alves Sym has not provided sufficient evidence for it to be satisfied that she has the necessary knowledge and skill to be registered as an orthodontic therapist. The Committee considers that a number of areas of deficiency as identified by the previous Panels do not appear to have been sufficiently addressed. This is particularly the case with reference to the evidence of Mrs Alves Sym's recent clinical competency. The

Committee has identified a number of areas in which Mrs Alves Sym's knowledge and skill has not been evidenced sufficiently, including discussing the role of the orthodontic therapist and other members of the dental team in treatment planning; undertaking orthodontic procedures as prescribed by referring practitioner; and identifying where patients' needs may differ from the treatment plan or prescription and refer patients for advice where appropriate.

18. In the Committee's view much of the evidence that Mrs Alves Sym has sent in support of her appeal relates to dental nursing-based knowledge and experience which does not sufficiently demonstrate that Mrs Alves Sym possesses the requisite knowledge and skill to be registered as an orthodontic therapist. Although the Committee has carefully considered all of the evidence that Mrs Alves Sym has presented, including that relating to her primary dental qualification and all her subsequent training and experience, it finds that Mrs Alves Sym has not demonstrated that she possesses the requisite knowledge and skill to be registered as an orthodontic therapist. Although the Committee drew no adverse inference from Mrs Alves Sym's decision not to be present at this appeal, it was, at the same time, not able to further explore Mrs Alves Sym's knowledge and skill by way of questioning. On the basis of the evidence placed before it, the Committee is not satisfied that Mrs Alves Sym possesses the necessary knowledge and skill to register as an orthodontic therapist.
19. Accordingly, the Committee has determined to dismiss Mrs Alves Sym's appeal.

Right of appeal

20. Mrs Alves Sym may appeal to the relevant court against this decision in accordance with paragraph 6 of Schedule 4A to the Act.
21. That concludes this determination.