

PUBLIC HEARING**Registration Appeals Committee****6 March 2025****Name:** KADAKKADAN PADATH PEEDIYAKAL, Mohammed Hafiz**Case number:** CAS-208569-V5G6L0

General Dental Council: Andrew Molloy, Counsel, instructed by Harriet Goodhew.**Registrant:** Present and represented by Mr Abbonavas

Outcome: Appeal dismissed

Committee members: David Wood (Lay) (Chair)
Jodie Mahoney (Dental Care Professional)
Elizabeth Murphy (Dentist)**Legal adviser:** Michael Bell**Committee Secretary:** Jamie Barge

Mr Kadakkadan Padath Peediyakal

1. This is an appeal hearing before the Registration Appeals Committee (RAC) against the General Dental Council's (the Council) decision to reject your application for registration as a Dental Therapist.
2. You are in attendance and are represented by Mr Aboonavas. Mr Andrew Molloy, Counsel, appears on behalf of the General Dental Council.

Purpose of hearing

3. This appeal hearing has been convened in accordance with the General Dental Council (Registration Appeal) Rules 2006 ('the Appeal Rules'), pursuant to Section 36J and Schedule 4A of the Dentists Act 1984 (as amended) ('the Act').

Background to the appeal

4. You applied for registration as a Dental Therapist on 27 February 2023.
5. Relevant to your current appeal you provided the GDC with an IELTS Test Report Form dated 10 December 2022 to demonstrate your knowledge of English language. The scores were 5.5, 5.5, 6.0 and 6.0 with an overall score of 6.0.
6. On 29 May 2024, the Council wrote to you to explain that your application was incomplete. The Council identified that you were relying on Type 1 evidence of English Language (evidence of IELTS completion). The Council noted:

"... In order for me to accept this, you are required to attain 6.5 in all the areas of listening, reading, writing and speaking and an Overall Band Score of 7. I can see from your Test Report Form that you have attained listening 5.5, reading 5.5, writing 6.0, speaking 6.0 and your Overall Band Score is 6.0. This does not meet the requirements of type 1. I advise that you submit an updated IELTS Test Report Form.

Please refer to the attached "Evidence of English language competence: guidance for applicants" document, for the types of evidence we are likely to accept."

7. In addition to the above information, the Council also requested that you provide further evidence relating to your internship, proof of name, and CPD, and requested that your self-reflections were updated to address various topics not already covered in the self-reflections provided. The Council asked that you provide the requested information by 26 June 2024.
8. On 31 May 2024, you wrote to the Council seeking a further month to provide an IELTS score. You explained that you were *"currently out of station for pursuing a program regarding dentistry."* The extension until 31 July 2024 was granted.
9. On 19 July 2024, you wrote to the Council and advised that you sat the IELTS exam on 6 July 2024, but you had not yet received your result. You further explained that when you contacted the provider, you were told that the result could be delayed up to three months and that your result had been submitted for quality checking. You indicated that you would re-sit the exam and sought additional time to do so.
10. On 22 July 2024, the Council responded to you and asked for the relevant emails from the IELTS provider and a copy of the results of the test that you had already taken. On 23 July 2024,

you advised the Council that you had spoken with the provider over the phone and that you had not received any written confirmation of this.

11. In response, the Council advised you to email the provider's customer service team to ask for confirmation of the outcome via email.

12. On 25 July 2024, you provided the Council with an email from IDP India, in which you confirmed that you had contacted them on 24 July 2024. On the same day, you also sought a further extension to allow you time to re-sit the test at the next date.

13. On 5 August 2024, the Council wrote to you to advise you that your application was incomplete and would be returned. You were provided with information about how you could appeal the decision to decline your application.

14. At the time of that decision, your application was incomplete as you had not provided sufficient information about your internship, name discrepancy, evidence of English Language, CPD, and self-declarations.

15. On 5 September 2024 the Council received a Notice of Appeal (NOA) from you, appealing against the Council's decision to refuse your application for registration. You explained that your application was incomplete. You explained that you had since included "*the necessary supporting documents to address and rectify these points*". You provided the Council with the following documents:

- a. An internship completion certificate
- b. An affidavit addressing your name variation
- c. An English language recommendation letter from Remedy Dental Clinic
- d. Copies of CPD certificates, including a certificate addressing Immediate Life Support from the last 12 months
- e. Copies of self-reflections addressing substance misuse, diet and S3 guidelines

16. In relation to the English language requirements you noted in the NOA that you had included a letter of recommendation dated 1 September 2024 from Dr Rijash dated 1 September 2024. Dr Rijash was your senior dental consultant, and they confirmed that you had been employed at his clinic as a general dentist since August 2020, and that the clinic operates entirely in English.

17. In addition, you further indicated in the NOA that your "*IELTS scores have been submitted for further verification.*"

18. The Council's position is that you did not provide correspondence to this effect, and you have not provided a copy of the results of your most recent IELTS examination.

Oral evidence

19. The Committee heard oral evidence from you.

Submissions

20. In your appeal you stated that you have met the requirements of the test and have produced a recent IELTS test dated 15 February 2025. Also, you have been endorsed by your senior practitioner, who confirmed in a letter provided to this Committee dated 1 September 2024. You stated that you have been practising dentistry for over 6 years on a number of patients whilst using your English language.

21. You representative stated to the Committee that you have been practising dentistry for last 6 years in multiple clinics, with tens of thousands of patients at times using English. You are confident that you can practice in the UK using an appropriate level of English language .

22. Mr Malloy stated that the Council's position is that you have not demonstrated the necessary knowledge of English, and that the additional evidence (namely, the recent IELTS test) is insufficient to demonstrate knowledge of English language. You have also provided the two other documents, and letter from Dr Rijash and your declaration, however, these are already in the hearing bundle. Mr Malloy submitted that you still have not met the minimum requirements to demonstrate the necessary knowledge of English. Accordingly, the Council submits that the appeal should be dismissed on this basis.

23. Mr Malloy reminded this Committee that as this is your appeal, the burden is on you to satisfy it that you have the necessary knowledge of English required for registration under section 36C(6)(aa) of the Act (Matter D).

24. The Council also contends that you have not yet provided evidence of the following:

- a. CPD addressing Clinical Governance and Safeguarding for children and adults – Level 2 (Part 1);
- b. Self-declarations and self-reflections addressing alcohol, Scottish Dental Clinical Effectiveness Programme and tobacco.

26. Accordingly, if the Committee considers that you have provided sufficient evidence of English language competency, the Council would still require copies of the above documents before the application could then be considered under Matter C.

Committee's consideration

27. The Committee has taken into account the evidence provided to it, as well as the submissions made by both parties as summarised above. The Committee has accepted the advice of the Legal Adviser.

28. The Legal Adviser, amongst other advice, advised the Committee that you bear the burden of satisfying the Committee that you have the necessary knowledge of English.

29. 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.

Committee's decision

30. The Committee has had regard to the evidence that you have provided in support of your appeal. In the Committee's judgement, taking all of this evidence into account. It accepted the advice of the Legal Adviser. The Committee took into account that a decision on your appeal was a matter for its determination, notwithstanding any submissions made by the parties.

31. The Committee bore in mind that the burden was on you to satisfy it that he has the necessary knowledge of English as required by section 36C(6)(aa) under Matter D of the Dentists Act for registration as a dental therapist. In reaching its decision, the Committee had regard to the overarching objective of the GDC which includes the protection of the public and safeguarding the wider public interest.

32. The Committee considered all the evidence placed before it, including the recent evidence confirming that you attained an overall score of 6.5 in your IELTS exam undertaken in February 2025 and 5.5 in respect of reading English. The Committee noted that this overall score and the score for reading English, does not meet the GDC's English language requirements, as set out in its publication '*Evidence of English language competence: Guidance for applicants*'. It noted you had completed a IELTS test prior in 2022, and the overall score was 6.0.

33. In all the circumstances, the Committee was satisfied that, although your most recent IELTS overall score had improved, you have not attained the minimum overall score of 7 to demonstrate that you have the necessary knowledge of English for registration as a dental therapist, as required by section 36C(6)(aa) under Matter D of the Dentists Act.

34. The Committee has therefore determined to dismiss your appeal application.

35. That concludes this determination.