

ON PAPERS

Registration Appeals Committee (CPD Appeal Meeting)

7 August 2024

Name: HOOPER, Leslie James

Registration number: 47012

Case number: CAS-206959-M3R1W7

General Dental Council: Amrit Sagoo, ILAS

Registrant: Unrepresented

Outcome: Appeal dismissed

Committee members: Adair Richards (Chair, lay member)
Angela Wragg (Dental Care Professional member)
Sulaman Anwar (Dentist member)

Legal adviser: Jenny Appleton

Committee Secretary: Sara Page

1. This is an appeal before the Registration Appeals Committee (RAC). The appeal is against the decision of the Registrar of the General Dental Council (GDC) to erase Mr Hooper from the Register for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements. 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 Act').
2. The appeal was conducted remotely via Microsoft Teams in line with current General Dental Council (GDC) practice. Neither party was present at today's appeal, following notification from the GDC that the appeal was to be conducted on the papers. The appeal was conducted remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.

Preliminary matters

Decision on service and proceeding in the absence of Mr Hooper

3. Neither party was present at today's appeal. In coming to its decision, the Committee heard and accepted the advice of the Legal Adviser.
4. The Committee first considered whether it was desirable to consider the appeal without a hearing. The Committee noted that conducting the 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 Mr Hooper had made no such request.
5. Therefore, the Committee was satisfied that no purpose would be served by conducting the appeal by way of an oral hearing in the absence of any such request and given the correspondence between Mr Hooper and the GDC.
6. The Committee next considered the service of the notification of the appeal ('the Notice'). It acknowledged that the Notice was sent to Mr Hooper by Recorded Delivery and First Class post, as well as secure email, on 1 July 2024 in accordance with Rule 5 of the Registration Appeal Rules. The Committee was satisfied that the Notice contained all the relevant information relating to today's appeal and that service has been effective.
7. The Committee therefore decided to conduct this appeal without a hearing and in the absence of Mr Hooper.

Decision and reasons on the appeal

Background and legal framework

8. The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 ('the CPD Rules') set out the CPD requirements placed on dentist registrants as of 1 January 2018, and the steps that the GDC shall take in respect of registrants' compliance and non-compliance with those requirements.
9. The current CPD Rules came into force on 1 January 2018 and took effect in respect of dentists on the same date.
10. In accordance with Rule 1, a 'CPD cycle' means, in respect of a dentist, a period of five years beginning on 1 January following the date the dentist is first registered and each subsequent period of five years. A 'CPD year' means, in respect of a dentist, a period of 12 months beginning on 1 January in any calendar year.

11. Rule 2(1) of the CPD Rules sets out the minimum number of hours of CPD a practitioner must complete within their CPD cycle.
12. Rule 2(5)(b) of the CPD Rules requires dentists to 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).
13. 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.
14. 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.
15. 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.
16. 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.
17. In accordance with Rule 9, it is open to the practitioner who has not complied with the CPD requirement as set out in Rule 2 in respect of a CPD cycle, to apply in writing to the Registrar for a further period in which to complete the outstanding CPD in respect of that cycle (a "period of grace"). They must do so before the end of the CPD cycle but no sooner than six months before the end of the cycle.
18. Mr Hooper appealed against the Registrar's decision that his CPD is non-compliant because he had failed to provide a compliant CPD record demonstrating that he had met the minimum requirement for the period 1 January 2019 – 31 December 2023.

Summary

19. The GDC's case in support of its decision can be summarised as follows:

Mr Hooper first registered with the General Dental Council ("the Council") as a dentist, on 4 July 1973. Therefore, in accordance with Rule 1 as set out above, Mr Hooper'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 Mr Hooper's CPD cycle for the period 1 January 2019 to 31 December 2023.

Between 26 October 2023 and 10 January 2024, the Council sent numerous reminders to Mr Hooper providing information relating to his CPD requirements. Within the reminder sent on 12 December 2023, Mr Hooper was reminded about the grace period and the deadline by when to request this.

On 28 December 2023, Mr Hooper submitted an annual CPD statement for the 2023 CPD year, declaring that he had completed seven verifiable CPD hours.

Notice 6

On 26 February 2024, the Council sent a notice under Rule 6 to Mr Hooper by recorded delivery to his registered address. The notice stated that, although Mr Hooper had submitted a CPD statement to the Council, he had not declared enough hours to meet the CPD cycle requirements. The notice set out that that between 1 January 2019 to 31 December 2023 Mr Hooper was required to complete a minimum of 100 hours of verifiable CPD, based on the Enhanced CPD (2018) scheme being applied.

On 7 March 2024, the Council received a telephone call from Mr Hooper stating that he was not aware that he was required to complete 100 hours of CPD over a five-year period. Mr Hooper was under the impression that he only needed to do 10 hours over 2 years. The Council advised Mr Hooper that he may be at risk of being removed from the register.

No further correspondence was received.

Notice 8

On 11 April 2024, the Council sent a Rule 8 notice to Mr Hooper's registered address by recorded delivery. This notice confirmed that Mr Hooper had failed to provide a compliant CPD record demonstrating that he had met the minimum CPD requirements for the period 1 January 2019 to 31 December 2023 and that as a result, the Registrar had made the decision to remove his name from the register for non-compliance with the Rules. Mr Hooper was notified that unless an appeal was submitted, the Registrar's decision would take effect on 14 May 2024.

On 22 April 2024, the Council received an email from Mr Hooper stating that the reason for his non-compliance with his CPD requirements stemmed from him not being aware that December 2023 was the end of his current cycle, therefore he only "prepared the usual 10 hours" of CPD over 2 years. Mr Hooper stated that he would gladly catch up with the outstanding CPD hours in order to remain on the register as he is in the process of selling his surgery and would like to assist with the changes as many of the patients have been with the practice for many years.

Appeal

On 1 May 2024, the Council received a Notice of Appeal (NOA) via post from Mr Hooper which confirmed that he wished to appeal against the decision to remove him from the register.

On 1 May 2024, Mr Hooper's CPD evidence was assessed by an Operations Officer. Mr Hooper was deemed to be non-compliant with his CPD requirements on the basis that he had 100 verifiable CPD hours outstanding for the period 1 January 2019 to 31 December 2023. It was also noted that, Mr Hooper's CPD evidence remained non-complaint as he failed to provide an Activity Log and a Personal Development Plan. It was confirmed that, as of 1 May 2024, Mr Hooper had completed 0 verifiable CPD hours between 1 January 2019 and 31 December 2023.

Submissions

20. In its written submissions, the GDC stated the following:

“It is the Registrar’s position that Mr Hooper failed to submit a compliant CPD record for the CPD cycle 01 January 2019 to 31 December 2023, as is required under Rule 2. Mr Hooper 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 Mr Hooper was reminded on numerous occasions, via two different means of communication of the need to complete his CPD requirements and of the requirement to complete 100 verifiable CPD hours for the CPD cycle period, as set out in detail above.

...

As of 1 May 2024, Mr Hooper has completed 0 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, Mr Hooper stated that he was under the impression that he only needed to complete 10 hours over 2 years for his CPD requirements. The Registrar submits that the completion of 10 hours of verifiable CPD over 2 consecutive years is a separate requirement based on the Enhanced CPD Scheme 2018. All dentists are required under Rule 2 to complete 100 hours of verifiable CPD over the 5-year CPD cycle within the deadlines provided. Therefore, the Registrar submits that Mr Hooper was given sufficient opportunities to be compliant with the requirements and further, he 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.

Lastly, in relation to Mr Hooper’s submission that he would like the opportunity to complete his outstanding hours, the Registrar submits that Mr Hooper was reminded on multiple occasions via two different means of communication of the need to submit the relevant CPD evidence prior to 28 January 2024 deadline. Mr Hooper was then provided a further opportunity to submit the required CPD evidence by 25 March 2024. Further, Mr Hooper was made aware, in multiple reminders, of his eligibility to apply for a grace period, for additional time in order to be compliant, before 31 December 2023, however no request was made. The Registrar submits that, as per Rule 9 of the Rules, a grace period cannot be granted after the relevant CPD cycle has ended. Therefore, the Registrar submits that Mr Hooper was afforded opportunities and support in order to ensure he was CPD compliant, but as of 1 May 2024 Mr Hooper remains non-compliant, as per Rule 2 of the Rules, as he has completed 0 hours of verifiable CPD for the period 1 January 2019 to 31 December 2023, when he needed to have completed a minimum of 100 hours of verifiable CPD.

21. Within Mr Hooper’s NOA, it was submitted that he was unaware that December 2023 was the end of his CPD cycle. He stated that he is in the process of selling his “*single handed practice and would like to assist the takeover*” as many of the patients have been treated by him for over 30 years. Mr Hooper stated that he is happy to complete the outstanding CPD hours to enable the “*smooth takeover*” of his Practice and to do so, he needed to retain his GDC registration.

22. Mr Hooper explained in his NOA that he was under the impression that his CPD requirement was to complete a minimum of ten hours over a two-year period. Mr Hooper set out a brief table within his Notice of Appeal setting out completed CPD over the 2019 to 2023 cycle period.

Committee's decision

23. The Committee had regard to the documentary evidence provided today and took account of the written submissions made on behalf of the GDC and those made by Mr Hooper in his NOA. It heard and accepted the advice of the Legal Adviser.
24. The Committee first considered whether Mr Hooper failed to comply with the CPD requirements, having satisfied itself that, as a registrant, he should be aware of them. The Committee determined that, having considered all the information before it, Mr Hooper has not completed the required minimum of 100 hours of verifiable CPD across the five-year CPD cycle.
25. The Committee had regard to the GDC document, '*Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance*', dated February 2024, in particular the section entitled '*Assessing Exceptional Circumstances*'. The Committee determined that Mr Hooper had not provided persuasive evidence that any exceptional circumstances applied in this case.
26. Therefore, the Committee concluded that Mr Hooper's CPD is non-compliant because he had failed to provide a compliant CPD record demonstrating that he had met the minimum requirement for the period 1 January 2019 – 31 December 2023.
27. Accordingly, the appeal is dismissed. The Committee wished to remind Mr Hooper that it is open to him to apply for the restoration of his name to the Register upon completion of the required number of CPD hours.
28. This will be confirmed to Mr Hooper in writing.
29. That concludes this determination.