

ON PAPERS

Registrations Appeal Hearing CPD Appeal Hearing

30 March 2026

Name: CUBITT, Gary Martyn

Registration number: 231148

Case number: CAS-214040-S7W3R3

General Dental Council: Megan Wolliner, ILAS

Registrant: Unrepresented

Outcome: Appeal dismissed

Committee members: Anthony Mole (Chair and Lay)
Rebecca Northover (Dentist)
Joshua Kelly (Dental Care Professional)

Legal adviser: Trevor Jones

Committee Secretary: Kate Anderson

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 was an appeal meeting before the Registration Appeals Committee (RAC). The hearing was conducted remotely via Microsoft Teams
2. The appeal was against the decision of the Registrar of the General Dental Council (GDC) to erase Mr Cubitt from the Register for apparent 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 Registration Appeal Rules'), pursuant to Schedule 4A of the *Dentists Act 1984* (as amended) ('the Act').
3. Neither party was present at today's hearing, following notification from the GDC that the appeal was to be conducted on the papers.

Preliminary matters

Decision to conduct the appeal in the absence of Mr Cubitt and on the papers

4. Notification of this appeal was sent to Mr Cubitt by Recorded Delivery and secure email on 27 February 2026 in accordance with Rule 5 of the Registration Appeal Rules.
5. The Committee noted that conducting the appeal on the papers is the default position of the GDC unless an appellant requests an oral hearing. It took into account that the GDC's acknowledgement of Mr Cubitt's appeal, dated 18 December 2025, informed Mr Cubitt that he could request an oral hearing within 28 days of the date of the letter. Having considered the documents provided, the Committee was satisfied that Mr Cubitt had made no such request.
6. The Committee noted that the bundle of documents and case summary that the Committee would be considering were sent to Mr Cubitt by Recorded Delivery and secure email on 11 March 2026.
7. The Committee was satisfied that it was appropriate to consider today's appeal in the absence of the parties and on the papers.

Private Hearing

8. The Committee noted from the documentation provided by Mr Cubitt for his appeal that he makes reference to events in her/his private and family life. Having accepted the advice of the Legal Adviser, the Committee decided that the meeting should be part-held in private to protect Mr Cubitt's private and family life. A private and public determination will also be produced.

Summary of the Legal Framework

9. Section 36Z1 of The Dentists Act 1984 (as amended) (“the Act”) sets out the requirements for dental care professionals’ training and development as follows:

“(1) In relation to each profession, or class of members of a profession, specified in regulations under section 36A(2), rules shall require registered dental care professionals to undertake such professional training and development as may be specified in the rules.

(2) Where a person is registered in the dental care professionals register under a title applying to a particular profession, or class of members of a profession, and it appears to the registrar that the person has failed to comply with the requirements of rules under subsection (1) relating to that profession or class, the registrar may erase that person's name from registration in that register under that title.

(3) Where, under subsection (2), a person's name has been erased from registration under a particular title, that name shall be restored to the dental care professionals register under that title on that person's application if he satisfies the registrar—

(a) of Matter D within the meaning of section 36C1; and

(b) that he meets the requirements of—

(i) section 36L2, and

(ii) any rules made under section 36Z2 which apply to his case.

(4) Rules shall specify the procedures to be followed before the registrar—

(a) may, under subsection (2), erase a person's name from registration in the dental care professionals register under a title; or

(b) may, under subsection (3), make a decision whether or not to restore a person's name to that register under a title.”

10. The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 (‘the CPD Rules’) set out the CPD requirements placed on DCP registrants as of 1 August 2018, and the steps that the GDC shall take in respect of registrants’ compliance and non-compliance with those requirements.
11. The CPD Rules came into force on the 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018.
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(1) of the CPD Rules sets out the minimum number of hours of CPD a practitioner must complete within their CPD cycle.
14. Rule 2(5)(b) of the CPD Rules requires dental care professionals 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).
15. 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.
16. 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. Rule 4 also provides that in the final CPD year of the cycle, the annual CPD statement must also include the total number of hours of CPD undertaken by the practitioner during the CPD cycle.
17. Pursuant to Rule 5, the Registrar may send the practitioner a notice, at any time during the CPD cycle, requiring them to submit their CPD record or any documents or information the Registrar considers relevant for the assessment of the practitioner's compliance with the requirements of these rules.
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.
20. In accordance with Rule 9 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.

If the Registrar is satisfied that there is good reason to do so, the Registrar may grant a single period of grace ending 56 days after the end of the CPD cycle.

21. Following erasure from the register for non-compliance with CPD, a dental care professional can apply to be restored to the register if they meet the conditions set out in Rules 10 and 11.

Summary of the factual background

22. Mr Cubitt first registered with the General Dental Council (“the Council”) as a dental care professional, with the title Dental Nurse, on 12 September 2012. Therefore, in accordance with Rule 1 as set out above, Mr Cubitt’s current CPD cycle began on 1 August 2023 and will end on 31 July 2028.
23. On 22 May 2025, the Council sent an email reminder to Mr Cubitt’s registered email address. This reminder notified Mr Cubitt that his CPD year was coming to an end and reminded him that he was required to submit his CPD statement, detailing how many CPD hours he had completed during that year, by 28 August 2025. Mr Cubitt was advised that if he did not submit a compliant statement before the deadline, his registration may be put at risk.
24. On 10 June 2025, the Council also sent Mr Cubitt an Annual Renewal Notice letter by post to his registered address. A copy of the Annual Renewal Notice was provided to the Committee. The Annual Renewal Notice is designed to remind registrants that their registration with the Council 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. Mr Cubitt was also reminded in this notice that he was required to submit his CPD statement by 28 August 2025. It was stated that Mr Cubitt would need to have completed at least 10 hours of CPD for every two consecutive CPD years of his registration to ensure that he is compliant with his CPD requirements.
25. On 7 July 2025, the Council sent an email to Mr Cubitt in which he was reminded that his Annual Renewal was due on or before 31 July 2025. It was noted that the Council was yet to receive his Annual Retention Fee or his indemnity declaration. Mr Cubitt was reminded within this email of the need to complete his CPD statement.
26. On 12 June 2025, 18 July 2025 and 5 August 2025, the Council sent email reminders to Mr Cubitt’s registered email address. These reminders, notified Mr Cubitt that his CPD year was coming to an end. The reminders stated that he was required to submit his CPD statement by 28 August 2025. Mr Cubitt was notified that if he failed to submit a compliant CPD statement by this date, his registration may be put at risk. Between 12 August 2025 and 28 August 2025, the Council sent three SMS reminders regarding the CPD statement to Mr Cubitt’s registered mobile number.
27. On 28 August 2025, Mr Cubitt submitted his CPD statement.

Rule 6

28. On 25 September 2025, the Council sent a notice under Rule 6 to Mr Cubitt by recorded delivery to his registered address. The notice stated that, although Mr Cubitt had submitted a CPD statement to the Council, he had not declared enough hours to meet the requirement to complete a minimum of 10 hours of CPD over two consecutive years. It was noted that he had submitted an annual CPD statement of 4 verifiable hours for the 2023-2024 CPD year and an annual CPD statement of 4 verifiable hours for the 2024-2025 CPD year. The notice stated that if Mr Cubitt wished to retain his registration, he should submit his CPD record to the Registrar by 23 October 2025 in order to demonstrate that he had met the requirement. Mr Cubitt was informed that if the Council did not receive a response to the notice or if his response was unsatisfactory, he may be erased from the dental care professionals register. On 26 September 2025, a copy of the notice was also sent via email to Mr Cubitt's registered email address.
29. On 17 October 2025, the Council received a letter from Mr Cubitt in response to the Rule 6 notice. Mr Cubitt set out that he wished to provide an explanation as to the reasons he had fallen short of the required CPD and the steps he had taken to remedy this. Mr Cubitt stated that:
30. [PRIVATE]
31. [PRIVATE]
32. [PRIVATE]
33. [PRIVATE]
34. [PRIVATE]
35. A copy of the letter appears was provided to the Committee as well as supporting documentation. The supporting documentation included a PDP and CPD certificates.
36. On 20 October 2025, the Council emailed Mr Cubitt requesting supporting evidence regarding his personal circumstances, [PRIVATE] The Council requested this evidence by 27 October 2025.

Rule 8

37. On 5 November 2025, the Council sent a Rule 8 notice to Mr Cubitt's registered address by recorded delivery. This notice confirmed that Mr Cubitt had failed to provide a compliant CPD record demonstrating that he had met the minimum requirement for the period 1 August 2023 to 31 July 2025. Mr Cubitt's evidence demonstrated that he had completed 0 verifiable CPD between 1 August 2023 –

31 July 2024 and 0 hours of verifiable CPD between 1 August 2024 – 31 July 2025. The letter explained that this was not enough to meet the CPD requirements to complete a minimum of 10 hours of verifiable CPD for every two consecutive CPD year period. Mr Cubitt was informed that his CPD remained deficient because he failed to provide sufficient evidence that demonstrated compliance with the CPD requirements, and was outstanding 10 verifiable hours, he had not provided an Activity Log and the 17 Agilio certificates dated in October 2025 were not applicable to this assessment.

38. The notice then referred to Mr Cubitt's 17 October 2025 letter and additional evidence. It explained that the Registrar was sympathetic [PRIVATE,] but that despite communication attempts, it had not been provided with any evidence to support his submissions. In addition, Mr Cubitt had been able to continue working as a dental professional. Furthermore, there was no evidence that within the timeframe under assessment that Mr Cubitt attempted to meet his CPD or otherwise engaged positively with his CPD requirement, notwithstanding his personal circumstances. Finally, the CPD Mr Cubitt completed since the timeframe under consideration is not relevant. As a result of these factors, the Registrar made the decision to remove Mr Cubitt's name from the dental care professionals register for non-compliance with the Rules. Mr Cubitt was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 December 2025.
39. Confirmation that the Rule 8 notice was sent by recorded delivery and confirmation that the notice was delivered on 7 November 2025 were provided to the Committee. On 6 November 2025, a copy of the notice was sent via email to Mr Cubitt's registered email address.

The Appeal

40. On 26 November 2025, the Council received a Notice of Appeal (NOA) via post from Mr Cubitt which confirmed that he wished to appeal against the decision to remove him from the dental care professionals register on the basis of not meeting the CPD requirement within the specified two-year period. [PRIVATE].
41. Within the NOA, Mr Cubitt accepts full responsibility for his administrative oversight and deeply regrets not completing the required CPD hours. Mr Cubitt wished to provide context and mitigation for the GDC's consideration stating, [PRIVATE]
42. Within his NOA, Mr Cubitt explains that he attaches 7 hours of CPD completed within the two year period that he forgot to attach with previous correspondence and claims there was a 3 hour shortfall of CPD for this time period. Mr Cubitt states, *"As soon as I became aware of the shortfall, I took immediate action to remedy the situation. I have now completed all required CPD hours, which I enclosed certificates for in my previous letter. I have also put several measures in place to prevent this from ever happening again, including:*

- *Using a digital CPD tracker with automatic reminders.*
- *Setting recurring alerts on my phone and calendar for CPD deadlines.*
- *Asking my practice manager to review my CPD log quarterly.*
- *Working with my healthcare provider to strengthen my executive function supports.*

[PRIVATE]

43. Within his NOA, Mr Cubitt states that he is deeply committed to upholding the standards and professionalism expected of those registered with the GDC and hopes his appeal demonstrates his insight and commitment to learning and improvement.
44. Between 28 November 2025 and 17 December 2025, correspondence was exchanged between Mr Cubitt, the Council, and the Hearings Service regarding his NOA. On 17 December 2025, the Hearings Service emailed Mr Cubitt to explain that it had received Mr Cubitt's appeal by post on 26 November 2025 and that due to an administrative oversight, his appeal was not added to the internal tracking list, which resulted in Mr Cubitt's name being removed from the DCP register. The email confirmed that the Register Maintenance team had confirmed that Mr Cubitt's registration was reinstated and that his CPD appeal was currently under review.
45. On 17 December 2025, Mr Cubitt's CPD evidence was assessed by an Operations Officer. Mr Cubitt was deemed to be non-compliant with his CPD requirements on the basis that he had 0 verifiable CPD hours outstanding for the period 1 August 2023 to 31 July 2025. This did not meet the Enhanced CPD requirements to submit 10 hours of CPD over two consecutive years for the years 1 August 2023 – 31 July 2025. It was noted that the reason Mr Cubitt's CPD was non-compliant was because:
- Mr Cubitt had 10 verifiable CPD hours outstanding;
 - Mr Cubitt had not completed an Activity log;
 - 17x Agilio certificates dated October 2025 were out of cycle for 1 August 2023 - 31 July 2025;
 - 2x MBS 2 - Medical Emergencies/BLS Certificates dated 20 December 2023 and 14 April (sic January) 2025 had no aims, objectives, learning content or outcomes.

Further correspondence

46. On 11 March 2026, the Dental Professionals Hearings Service ('DPHS') of the Council received via post further submissions from Mr Cubitt in support of his appeal. This consisted of:
- Additional Submissions from Mr Cubitt
 - Additional CPD evidence (including 1x MBS 2 - Medical Emergencies/BLS Certificates dated 14 April (sic January) 2025)

47. Within Mr Cubitt's additional submissions he acknowledges that he was short of three hours of CPD within the relevant two-year period and accepts that maintaining accurate and complete CPD records is his professional responsibility.
48. Mr Cubitt submits that this shortfall arose from an administrative oversight rather than a failure to engage in professional development or any disregard for regulatory standards. [PRIVATE]
49. Mr Cubitt submits that the CPD shortfall was identified without any patient safety concerns. He explains that it was not a refusal to complete CPD and confirms that this has now been fully remedied. Mr Cubitt explains that since becoming aware of the shortfall he has completed the outstanding hours, completed additional CPD above the minimum requirement and has put systems in place to ensure future compliance (including structured tracking and reminders), whilst working with his practice manager to prevent this happening again. Mr Cubitt states that this has been a significant learning point and has taken proactive steps to prevent its recurrence.
50. Mr Cubitt clarified his position with regards to the seven hours of Medical Emergencies CPD that was deemed "non-verifiable". Mr Cubitt submits that this training was completed in practice, delivered by a reputable external provider, properly certified and accompanied by clearly stated aims, objectives and learning outcomes. Mr Cubitt explains that this training, which was focused on patient safety, was undertaken in good faith with the understanding that it satisfied regulatory standards. Mr Cubitt provides copies of the certificate and learning outcomes and objectives alongside his submission.
51. Mr Cubitt submits that he has had no fitness to practise concerns or patient complaints. Mr Cubitt submits that this appeal relates solely to a "limited administrative shortfall" which he states has now been corrected. Mr Cubitt expresses that he takes his role as a dental nurse seriously and remains committed to maintaining high standards of care and continuing professional development.
52. Mr Cubitt respectfully asks the Committee to consider proportionality in this matter, reiterating that he feels the shortfall has been corrected and exceeded. Mr Cubitt submits that removal from the register would have a significant impact of his employment and wellbeing. In summary, Mr Cubitt states that given the minor and remediated nature of the issue, the absence of patient safety concerns and the context of his recognised disability he submits that removal from the register would be disproportionate and asks that his appeal be allowed and his registration reinstated.
53. On 12 March 2026, Mr Cubitt's CPD evidence was further assessed by the Council's Operations Officer. As of 12 March 2026, Mr Cubitt had completed four hours of verifiable CPD for 1 August 2023 – 31 July 2025. This is not enough to meet the Enhanced CPD requirements to submit 10 hours of CPD over two

consecutive years for the years 1 August 2023 – 31 July 2025. Mr Cubitt was deemed to be non-compliant because he had a further six hours of verifiable CPD evidence outstanding for the period 1 August 2023 – 31 July 2025.

Submissions

54. In the GDC's written submissions, the Registrar's position was set out as follows:

- *It is the Registrar's position that Mr Cubitt is non-compliant with the CPD requirements because he has failed to provide a CPD record demonstrating that he has completed the minimum requirement for the period 1 August 2023 to 31 July 2025, in accordance with Rule 2.*
- *It is submitted by the Registrar that Mr Cubitt was reminded on numerous occasions of the need to complete his CPD hours and of the requirement to complete 10 verifiable CPD hours in each two-year period, as set out in detail above.*
- *As of 17 December 2025, Mr Cubitt had completed 0 verifiable CPD hours between 1 August 2023 and 31 July 2025, which clearly breaches the requirement that dental care professionals submit evidence that they have completed a minimum of 10 verifiable CPD hours in each two-year period.*
- *In a further case summary, the Registrar refers to the CPD assessments dated 17 December 2025 and 12 March 2026 that were submitted and confirms that Mr Cubitt's CPD shortfall is six hours.*
- *As set out above, there is no power to waive these provisions.*
- *The Registrar acknowledges Mr Cubitt's challenging circumstances regarding his neurodevelopmental conditions. However, the Registrar submits that Mr Cubitt had sufficient opportunities to complete the required CPD during each period of two consecutive years, and that he ought to be aware of the requirements for continued registration with the GDC, which includes ongoing compliance with the CPD requirements.*
- *The Registrar acknowledges that Mr Cubitt has completed additional CPD but that this cannot be taken into account for the relevant period as it falls outside the cycle dates requested.*
- *Mr Cubitt has provided additional information alongside his NOA [PRIVATE] which was not available to the Registrar at the time of the Rule 8 notice. The Committee is invited to consider whether this additional information alters the position, such that the Committee may consider exceptional circumstances exist in this case.*

- *The Registrar submits that it is a Registrant's responsibility to ensure that they meet their CPD requirements, as CPD compliance is a legal requirement of registration.*
- *It is open to Mr Cubitt to apply to restore his registration at any time following this appeal.*

Committee's decision and reasons on the appeal

55. 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 Cubitt in his Notice of Appeal. It heard and accepted the advice of the Legal Adviser. The Committee also took note of the GDC's *Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance* (version 2, updated May 2025).
56. The Committee first calculated the number of hours of CPD which Mr Cubitt was required to undertake. Mr Cubitt was required to complete at least 10 hours of verifiable CPD during his two-year CPD cycle within the period 1 August 2023 and 31 July 2025.
57. Having carefully reviewed the CPD records which Mr Cubitt submitted, the Committee determined that he demonstrates having completed 4 verifiable hours of CPD within the period of 1 August 2023 and 31 July 2025. This was consistent with the Registrar's assessment that Mr Cubitt was 6 hours short in the relevant period. Therefore, the Committee determined that Mr Cubitt is not compliant with his statutory obligations under the CPD Rules.
58. The Committee was satisfied that the GDC has complied with the 2017 Rules in dealing with Mr Cubitt's CPD requirements including the serving of the statutory notices on him that the correct procedure leading to the Registrar's erasure decision had been followed. The remaining consideration for the Committee was therefore whether the Registrar's decision to erase should be allowed to stand.
59. The Committee also balanced the interests of Mr Cubitt against the wider public interest and to the public expectation that registered dental professionals will meet their statutory CPD requirements in order to remain on the Register. The Committee recognised that the CPD requirement is a mandatory statutory requirement which applies to all registered dental professionals to ensure patient safety 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 noted the personal circumstances Mr Cubitt outlined in his appeal, [PRIVATE] The Committee considered that Mr Cubitt had been working throughout the CPD cycle. It also noted that there had been many reminders sent to Mr Cubitt to complete his CPD training. There had also been many opportunities for Mr Cubitt to provide the GDC with the additional documents relating to his personal circumstances, and yet he did not provide these until after the rule 8 notification. The Committee carefully considered Mr Cubitt's appeal but was not satisfied that

he had provided a sufficient and satisfactory reason for Mr Cubitt not to comply with his CPD requirements.

60. Therefore, having regard to all the circumstances, the Committee determined that there were insufficient grounds that would amount to exceptional circumstances to which this appeal should be allowed. Mr Cubitt had failed to demonstrate that he was compliant with his obligations under the CPD Rules. The decision of the Registrar to erase his name was reached correctly in accordance with the procedural requirements of the Rules and following repeated reminders to Mr Cubitt of his obligations under the CPD Rules and the importance of compliance in order to maintain continued registration.
61. The Committee was satisfied that the decision was proportionate. Accordingly, the appeal is dismissed.
62. Unless Mr Cubitt exercises his right of appeal to the County Court (if their address is in England or Wales) or the sheriff in whose sheriffdom his address is located (if based in Scotland), in accordance with paragraph 6 of Schedule 4A to the Act, the erasure decision will take effect upon the expiry of the 28-day appeal period. It will then be open to Mr Cubitt to apply for the restoration of his registration if he meets the CPD and other requirements for restoration.
63. This will be confirmed to Mr Cubitt in writing.
64. That concludes this determination.