

ON PAPERS

Registration Appeals Committee CPD Appeal Meeting

9 May 2024

Name: SOGE, Anda
Registration number: 261838
Case number: CAS-203689-Z1H9F6

General Dental Council: Simbo Bammeke, ILAS

Registrant: Unrepresented

Outcome: Appeal dismissed

Committee members: Aysha Ahmed-Kibria (Dentist Member, Chair)
Helen Woodall (Dental Care Professional Member)
Gaon Hart (Lay Member)

Legal adviser: Stephen Bate

Committee Secretary: Andrew Keeling

1. This was an appeal meeting before the Registration Appeals Committee (RAC). The meeting was conducted remotely on Microsoft Teams.
2. The appeal was against the decision of the Registrar of the General Dental Council (GDC) to erase Ms Soge from the Register for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements. The meeting was 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 meeting. The Committee first considered the issues of service and whether to proceed with the meeting on the papers in the absence of Ms Soge and any representatives for either party. The Committee accepted the advice of the Legal Adviser on both of these matters.

Decision to conduct the appeal in the absence of Ms Soge and on the papers

4. Notification of this appeal was sent to Ms Soge by Recorded Delivery and secure email on 20 March 2024 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. Furthermore, the Committee noted the email from Ms Soge, dated 26 February 2024, in which she stated that she was content for her appeal to be considered on the papers. Despite the non-service of a Rule 4(1) notice, the meeting could properly proceed in those circumstances: see *Dorairaj v The Bar Standards Board* [2018] EWHC 2762 (Admin) [20], [22].
6. The Committee noted that the bundle of documents and case summary that the Committee would be considering were sent to Ms Soge by Recorded Delivery and secure email on 25 April 2024.
7. In the circumstances, the Committee was satisfied that it was appropriate to consider today's appeal in the absence of either party and on the papers.

Summary of the 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 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.
9. The current CPD Rules came into force on 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018.
10. 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.
11. 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).
12. Rule 2(6) specifies that (among other things) any CPD undertaken is only to count if there is documentary evidence from the provider of the CPD that contains prescribed information.

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.

Summary of the factual background

17. Ms Soge's appeal was previously considered and determined by a Registration Appeals Committee on 2 November 2023. The appeal took place on the papers. At that meeting the Registration Appeals Committee decided to remit the matter back to the Registrar.
18. Since that time, a fresh registration decision has been made by the Registrar to erase Ms Soge from the Dental Care Professionals register by a Rule 8 notice sent to her on 7 February 2024.
19. Ms Soge first registered with the GDC as a dental care professional, with the title Dental Nurse, on 6 January 2016. Ms Soge's previous CPD cycle was from 1 August 2016 to 31 July 2021. Her current CPD cycle began on 01 August 2021 and will end on 31 July 2026. Ms Soge was required 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).
20. On 15 June 2022, the GDC sent an email reminder to Ms Soge's registered email address. This reminder notified Ms Soge that her CPD year was coming to an end and reminded her that she was required to submit her CPD statement, detailing how many CPD hours she had completed during that year, by 28 August 2022. Ms Soge

was advised that if she did not submit a compliant statement before the deadline, her registration may be put at risk.

21. On 15 June 2022, the GDC also sent Ms Soge an Annual Renewal Notice by post to her previous registered address, which came into effect from 1 October 2016. 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. Ms Soge was also reminded in the Annual Renewal Notice that she was required to submit her CPD statement by 28 August 2022. It was stated that Ms Soge 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 CPD cycle.
22. On 4 July 2022, the GDC sent a further email reminder to Ms Soge's registered email address, requesting that she submit her CPD statement by 28 August 2022 and stating that she was required to complete a minimum of 10 hours of CPD during each period of two consecutive years.
23. On 7 July 2022, the GDC sent an email to Ms Soge in which she was reminded that her Annual Renewal for 2022 was due on or before 31 July 2022. Ms Soge was reminded within this email of the need to complete her CPD statement and of the requirement to complete 10 verifiable CPD hours during any two consecutive years.
24. On 22 July 2022 and 5 August 2022, the GDC sent further email reminders to Ms Soge's registered email address. These reminders notified Ms Soge that her CPD year was coming to an end and stated that she was required to submit her CPD statement by 28 August 2022. The requirement to complete 10 hours of CPD during each period of two consecutive years was reiterated. Ms Soge was notified that if she failed to submit a compliant CPD statement by this date, her registration may be put at risk.
25. Between 12 August 2022 and 26 August 2022, the GDC sent three SMS reminders regarding the CPD statement to Ms Soge's registered mobile number.
26. On 20 September 2022, the GDC sent a notice under Rule 6 to Ms Soge by recorded delivery to her registered address. The notice stated that, although Ms Soge had submitted a CPD statement to the GDC, she 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 she had submitted an annual CPD statement of six verifiable hours for the 2020 - 2021 CPD year and an annual CPD statement of three verifiable hours for the 2021 - 2022 CPD year. The notice stated that if Ms Soge wished to retain her registration, she should submit her CPD record to the Registrar by 18 October 2022 in order to demonstrate that she had met the requirement. Ms Soge 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 dental care professionals register.

27. On 12 October 2022, the GDC received Ms Soge's CPD Records including a "Log of Summary of CPD" from 01 August 2020 to 31 July 2022, a Personal Development Plan for 31 July 2022 to 31 July 2027, and various CPD Certificates.
28. On 30 December 2022, the GDC sent a letter to Ms Soge via email that confirmed receipt of Ms Soge's CPD evidence. The letter stated that Ms Soge's evidence demonstrates that she had completed no hours of verifiable CPD between 1 August 2020 to 31 July 2021, and three verifiable CPD hours between 1 August 2021 to 31 July 2022. Ms Soge was informed that this was not enough to meet her CPD requirements to complete a minimum of 10 hours CPD for every two consecutive two rolling year period.
29. The letter confirmed that Ms Soge's CPD remained deficient because she had seven verifiable CPD hours outstanding, and that her certificates dated September and October 2022, were out of cycle. The NHS Digital Data Security Awareness certificate dated 16 March 2021, had no CPD hours, aims, objectives, learning content, outcomes or confirmation that it was full and accurate. The St John Ambulance, Emergency First Aid at Work certificate dated 10 January 2022 had no CPD hours, aims, objectives, learning content, outcomes or confirmation that it was full and accurate. The letter set out the criteria under the new Enhanced CPD rules for verifiable CPD certificates. Ms Soge was notified that since she had failed to meet the Enhanced CPD requirements, her registration was at risk.
30. On 2 January 2023, the GDC received an email from Ms Soge explaining why she was unable to complete her CPD requirements. On 5 January 2023, the GDC sent an email in response to Ms Soge acknowledging her response to the GDC's letter.
31. On 13 January 2023, the GDC sent a Rule 8 notice to Ms Soge's registered address by recorded delivery. This notice confirmed that Ms Soge had failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period 1 August 2020 to 31 July 2022 and that as a result, the Registrar had made the decision to remove her name from the dental care professionals register for non-compliance with the Rules. Ms Soge was notified that unless an appeal was submitted, the Registrar's decision would take effect on 15 February 2023.

First Appeal

32. On 16 January 2023, the GDC received a Notice of Appeal (NOA) via email from Ms Soge which confirmed that she wished to appeal against the decision to remove her from the dental care professionals register. Ms Soge explained that she was appealing against the decision because during the period from 1 August 2020 to 31 July 2021, it had been an extremely busy time at the dental practice especially during the Covid-19 period. Ms Soge outlined that she was required to do extra cleaning and training with new staff which took a lot of effort because after the practice had

opened following the Covid-19 lockdown on 3 July 2020, a number of staff members had left the practice. Ms Soge included copies of her CPD certificates and Personal Development Plan.

Appeal Hearing On 2 November 2023

33. At the appeal hearing on 2 November 2023, the Registration Appeals Committee decided to remit Ms Soge's case back to the Registrar. The Registration Appeal Committee stated:

"The Committee considered that, had the GDC accepted the NHS Digital Data Security Awareness certificate dated 16 March 2021 and the St John Ambulance Emergency First Aid at Work certificate dated 10 January 2022 as verifiable CPD, Ms Soge would have obtained the outstanding seven CPD hours. Therefore, Ms Soge would have been compliant with the CPD requirement to have completed at least 10 verifiable hours of CPD for the CPD cycle in question."

34. The Registration Appeals Committee then went on to direct that:

"...further information about these courses be sought from Ms Soge, as well as clear guidance and support provided to her about the sources of this information. Following this, the GDC may be in a position to assess whether these seven CPD hours are compliant with the Rules."

Remittal

42. On 13 November 2023, the GDC wrote to Ms Soge to request further information from her as directed. Guidance was also provided in respect of the enhanced CPD criteria. Ms Soge was also reminded that if her certificates did not meet the enhanced CPD criteria, then she could request completion of a CPD mapping document. A blank version of the CPD mapping document was included with the letter. This letter was sent by post and also by email on 13 November 2023.
35. The GDC did not receive any further information from Ms Soge.
36. On 7 February 2024, the GDC sent a new Rule 8 notice to Ms Soge's registered address by recorded delivery. This notice confirmed that Ms Soge had failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period 1 August 2020 to 31 July 2022. It was outlined to Ms Soge that in the absence of any other explanation for Ms Soge's non-compliance or any new evidence, the Registrar determined that it was fair and proportionate to remove her name from the Dental Care Professionals register. Ms Soge was notified that unless an appeal was submitted, the Registrar's decision would take effect on 1 March 2024. On 8 February 2024, a copy of the notice was sent via email to Ms Soge's registered email address.

37. On 9 February 2024, the Rule 8 Notice was returned to the GDC. Royal Mail advised they were unable to deliver the letter as the addressee had gone away.
38. The GDC wrote to Ms Soge on 9 February 2024 about the returned Rule 8 Notice. Ms Soge asked the GDC to re-send the Rule 8 Notice to her new address. However, Ms Soge was advised to review the email sent to her on 8 February 2024 which had the Rule 8 Notice attached.

Second Appeal

39. On 18 February 2024, the GDC received an NOA from Ms Soge, by email, along with supporting documents. Ms Soge confirmed that she wished to appeal the decision to remove her from the Dental Care Professionals register. Ms Soge outlined that between 1 August 2020 to 31 July 2022, she had managed to complete three CPD hours in basic life support and medical emergencies. Ms Soge stated that she attended a full day course provided by St John Ambulance. Ms Soge then went on to outline that she had asked the course provider why they had not provided a certificate but was told that the course provider does not issue one. Ms Soge has said that she considers it unfair of her dental practice to have sent her on the course and also for the course provider not to issue the certificate. Ms Soge also explained that during the relevant period, it had been an extremely busy time at the dental practice due to the Covid-19 pandemic. Ms Soge stated more time was required for cleaning as well as training new staff.
40. On 19 February 2024, Ms Soge's CPD evidence was assessed by the GDC and she was deemed to be non-compliant with her CPD requirements on the basis that she had seven verifiable CPD hours outstanding for the period 01 August 2020 to 31 July 2022. It was noted that:
- *“8 x Mydentist Academy certificates dated September and October 2022, are not within the requested assessment period and therefore not applicable for this assessment.*
 - *Apolline Training CPD certificate dated 25 September 2022, is not within the requested assessment period and therefore not applicable for this assessment.*
 - *10 x Mydentist Academy certificates are duplicates of rejected certificates.*
 - *Apolline Training CPD certificate dated 25 September 2022, is a duplicate of a rejected certificate.*
 - *NHS Data Security Awareness certificate dated 16 March 2021, has no CPD hours stated, aims, objectives, learning content, outcomes, full & accurate.*
 - *St Johns [sic] Ambulance certificate dated 10 January 2022, has no CPD hours, aims, objectives, learning content, outcomes, full & accurate.”*

41. Furthermore, it was determined that:

- *“Duplication of St Johns [sic] Ambulance certificate dated 10 January 2022, with no further information to satisfy the Enhanced CPD criteria.*
- *10 x Mydentist Academy certificates dated 2023 are not within the requested assessment period and therefore not applicable for this assessment.*
- *9 x CPD certificates are duplication of previous rejected certificates.*
- *Ace BIs certificate dated 12 April 2022 is a duplication of an accepted certificate.”*

42. It was concluded that, as of 19 February 2024, Ms Soge had completed three verifiable CPD hours between 01 August 2020 and 31 July 2022.

Submissions

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

“There has been no change to the Registrar’s position since the appeal hearing on 02 November 2023.

It is still the Registrar’s position that Ms Soge failed to meet her CPD requirements as she had failed to complete the minimum requirement to undertake 10 hours of verifiable CPD during each period of two consecutive CPD years. This would also include a two-year period over two cycles. Ms Soge’s last five-year CPD cycle ended on 31 July 2021 and her current cycle began on 01 August 2021. As such, she was therefore required to complete a minimum of 10 hours over the period of 01 August 2020 to 31 July 2022, which is the period spanning her last and current CPD cycles.

It is submitted by the Registrar that Ms Soge was reminded on numerous occasions of the need to complete 10 verifiable CPD hours in each two-year period, as set out in detail above.

Ms Soge had completed 3 verifiable CPD hours between 01 August 2020 and 31 July 2022, which clearly breaches the requirement that dental care professionals complete a minimum of 10 verifiable CPD hours in each two-year period.

It is noted that Ms Soge provided two certificates that did not meet the verifiable CPD requirements. As mentioned above, Rule 2(6) sets out that CPD can only count as verifiable CPD if the documentary evidence submitted meets certain requirements. Therefore, the Registrar can only accept documentary evidence that meets the enhanced CPD criteria.

The Registrar recognises that Ms Soge has also provided a number of other CPD certificates, although they are dated outside of the period of 01 August 2020 to 31 July 2022. For the purposes of determining whether Ms Soge has complied with the requirement to complete a minimum of 10 hours over the period of 01 August 2020 to 31 July 2022, the Council cannot take into consideration any CPD that was not completed during that period.

Ms Soge has stated that she has always been up to date with her CPD requirements. However, she had forgotten to complete her CPD due to her NHS Dental Practice being busy, especially during the COVID-19 pandemic. Whilst it is acknowledged that Ms Soge experienced additional pressures after the practice had re-opened following the COVID-19 pandemic, she received reminders as early as of 15 June 2022, regarding the requirement to complete a minimum of 10 verifiable CPD hours in each two-year period. Therefore, the Registrar considers that she had sufficient time to complete any outstanding CPD.

Following the remittal back to the Registrar, Ms Soge was provided with a further opportunity to provide further information and was given guidance regarding the enhanced CPD criteria. A copy of the mapping document available for registrants to use was also provided. However, Ms Soge did not provide any further information. It is noted that Ms Soge has stated in her NOA that she telephoned St John Ambulance to ask why they had not issued a certificate for the full day course she had attended. However as outlined at paragraph 53 above, in order for CPD to count as verifiable CPD, any evidence submitted, such as the St John Ambulance Emergency First Aid at Work certificate dated 10 January 2022, must meet the enhanced verifiable criteria as outlined in the Rules. In addition, Ms Soge has not provided any information about what steps she had taken with regards to the NHS Digital Data Security Awareness certificate dated 16 March 2021.

It is the Registrar's position that Ms Soge is still non-compliant with her CPD requirements because she has failed to demonstrate that she has completed the minimum requirement to undertake 10 hours of verifiable CPD during the period 01 August 2020 to 31 July 2022 as outlined in Rule 2(5)(b) of the Rules. It has been determined by the Registrar that Ms Soge has completed 3 CPD hours during that period and therefore has a shortfall of 7 hours.

As set out above, there is no power to waive these provisions.

It is open to Ms Soge to apply to restore her registration at any time following this appeal.”

Committee's decision and reasons on the appeal

44. The Committee had regard to the documentary evidence provided today and took account of the written representations made by the GDC and Ms Soge's Notice of Appeal. It 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* (February 2024).
45. The first consideration for the Committee was whether Ms Soge had complied with her obligations under the CPD Rules by demonstrating completion of at least 10 hours of verifiable CPD within the period 1 August 2020 to 31 July 2022.
46. Having carefully reviewed the CPD records which Ms Soge submitted, the Committee determined that she demonstrates having completed three verifiable hours of CPD within the period of 1 August 2020 to 31 July 2022. Accordingly, there is a shortfall of seven hours. The Committee noted that Ms Soge was given an opportunity following the previous Registration Appeals Committee meeting in November 2023 to provide evidence that she had completed the outstanding seven verifiable CPD hours during the relevant period. However, Ms Soge has not provided this evidence. Therefore, the Committee determined that Ms Soge is not compliant with her statutory obligations under the CPD Rules.
47. The Committee was satisfied that the required notices had been duly served on Ms Soge in accordance with the Rules and 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.
48. The Committee recognised that a registrant's obligations under the CPD Rules is a mandatory statutory requirement which applies to all registered dental professionals. Compliance is important in helping 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 also noted the reasons provided by Ms Soge for her non-compliance, namely that it had been an extremely busy time at the dental practice due to the Covid-19 pandemic. The Committee determined that these reasons did not amount to exceptional personal circumstances as outlined in the GDC's *Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance* (February 2024).
49. Therefore, having regard to all the circumstances, the Committee determined that there were no grounds on which this appeal should be allowed. Ms Soge had failed to demonstrate that she was compliant with her obligations under the CPD Rules. The decision of the Registrar to erase her name was reached correctly in accordance with the procedural requirements of the Rules and following repeated reminders to

Ms Soge of her obligations under the CPD Rules and the importance of compliance in order to protect the public and the public interest.

50. This appeal was accordingly dismissed. The Committee considers that it must or at least should follow that in view of its decision to dismiss the appeal under the Rule 8 notice dated 7 February 2024, it would be self-evident that the Registrar's earlier decision of 13 January 2023 to erase Ms Soge's name from the register, should also stand.
51. Unless Ms Soge exercises her right of appeal to the court, the erasure decision will take effect upon the expiry of the 28-day appeal period. It will then be open to Ms Soge to apply for the restoration of her registration if she meets the CPD and other requirements for restoration.
52. This will be confirmed to Ms Soge in writing.
53. That concludes this determination.