

ON PAPERS

Registration Appeals Committee CPD Appeal

3 September 2025

Name: FUZ, Maciej
Registration number: 100540
Case number: CAS-211160-B1V9G8

General Dental Council: Not present. Zara Gull of IHLAS.

Registrant: Not present. Not represented.

Outcome: Appeal dismissed

Committee members: Zareen Elleby (DCP) (Chair)
Rita Eaton (Lay)
Gillian Jones (Dentist)

Legal adviser: Melissa Coutino

Committee Secretary: Paul Carson

1. Mr Fuz is a Dentist who appeals against the decision of the registrar to erase his name from the Register for non-compliance with his Continuing Professional Development (CPD) requirement. Part of this determination shall be announced in private to respect Mr Fuz's right to a private and family life.
2. The Committee met remotely today using Microsoft Teams and considered the appeal on the papers, as neither party had requested an oral hearing and the Committee considered that it would be desirable to determine the appeal without one. The Hearings Director had served notification of this meeting on the parties with at least 28 days' notice in accordance with Rules 5(2) and 5(3) of the General Dental Council (Registration Appeals) Rules 2006.

Background

3. Mr Fuz first registered with the GDC as a Dentist on 18 October 2005. His current CPD cycle runs from 1 January 2021 to 31 December 2025. In accordance with the General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 (the "Rules"), he is required to complete a minimum of 100 hours of CPD activity over the CPD cycle (Rule 2(1)), with at least 10 hours to be completed during each period of two consecutive CPD years within that cycle (Rule 2(5)(b)). This includes any two-year period which spans more than one CPD cycle.
4. Rule 2(6) of the Rules provides that CPD activity must be verifiable, with documentary evidence from the provider confirming, among other things, the subjects, learning content, aims, objectives and anticipated learning outcomes of the CPD and the date that the CPD was undertaken. Confirmation must also be provided that the CPD activity is subject to prescribed quality assurance measures.
5. In accordance with Rule 3(1) of the Rules, Mr Fuz is required to keep a log of all the CPD that he plans to undertake and has undertaken during the CPD cycle. Rule 4(1) requires him to submit an annual statement of her CPD activity to the registrar within 28 days of the end of each CPD year stating the hours which had been undertaken for that year, with the annual statement submitted in the final year of the CPD cycle also to include the total number of hours which had been undertaken during the cycle (Rule 4(2)).
6. Rules 6 and 7 of the Rules 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.
7. Rule 8 of the Rules 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 or other related obligations under the Rules.
8. A decision of the registrar to erase under Rule 8 is an appealable decision under paragraph 2(1)(h) of Schedule 2A to the Dentists Act 1984. In accordance with

paragraph 4(5) of that Schedule, erasure shall not take effect until after the disposal of the appeal proceedings.

9. Between 22 October 2024 and 28 January 2025, the GDC sent Mr Fuz repeated automated reminders by email, post and SMS message relating to the annual renewal of his registration and his annual CPD statement, which he was required to submit by 28 January 2025. Mr Fuz was reminded of the number of CPD hours which he would need to demonstrate in respect of his CPD cycle, including the need to demonstrate at least 10 hours within each consecutive two CPD year period.

10. On 24 February 2025 the GDC wrote to Mr Fuz under Rule 6 of the Rules to state:

‘Thank you for submitting your CPD statement this year. However, our records show that you have not declared enough hours to meet the requirement of completing a minimum of 10 hours of CPD over two consecutive years. This puts your registration and ability to practise at risk.

You had previously submitted a 2023 CPD Annual statement of 3 verifiable hours and you have recently submitted a 2024 CPD statement of 1 verifiable hours.’

11. Mr Fuz wrote to the GDC on 7 March 2025 to acknowledge that he had only completed 5 hours of CPD in 2023 and none in 2024 and that he had therefore fallen short of the 10 hour requirement for the period 1 January 2023 to 31 December 2024. He explained that he had significantly exceeded the minimum required amount of CPD hours in previous years and was committed to meeting his CPD requirement, including by undertaking further CPD hours in 2025 with a view to exceeding the minimum 100 CPD hours before the end of his current CPD cycle. He put forward mitigating circumstances in support of the shortfall in hours for 2023-24. [IN PRIVATE]. Mr Fuz included with his letter a copy of his updated CPD records and his Personal Development Plan.

12. The GDC responded to Mr Fuz the same day to request further information, including supporting evidence in relation to the mitigating circumstances on which he sought to rely.

13. Mr Fuz replied on 11 and 19 March 2025 with further information and supporting evidence.

14. On 04 April 2025, the GDC wrote to Mr Fuz under Rule 8 of the Rules to inform him of the registrar’s decision “to remove your name from the Dentists [sic] Register for non-compliance with the General Dental Council’s CPD requirement.” The letter explained that the reason for this was because:

‘...you have failed to provide a compliant CPD record demonstrating that you have met the minimum requirement for the period 1 January 2023 – 31 December 2024. As a result, the Registrar is not satisfied that you have complied with the rules.

Your evidence demonstrates that you have completed 5 hours of verifiable CPD between 1 January 2023 – 31 December 2023 and 0 hours of verifiable CPD between 1 January 2024 - 31 December 2024. This is not enough to meet your CPD requirements to complete a minimum of 10 hours of verifiable CPD for every two consecutive CPD year period.

Your CPD remains deficient because:

- *You are outstanding 5 verifiable CPD hours.*
- *Survive Alive Ltd Certificate dated 24 February 2025 is outside the CPD cycle years requested.'*

15. The letter explained that

'We have considered the evidence provided namely letter dated 7 March 2025, email dated 11 March 2025 and further email dated 19 March 2025. We have applied the Guidance on the Registrar's Discretion to erase for CPD Non-compliance.

We have identified the following factors:

- 1. The events you have described were not exceptional personal circumstances beyond your control.*
- 2. Notwithstanding your circumstances, you have been able to continue working as a dental professional.*
- 3. The CPD you have completed before / since the timeframe under consideration is not relevant.*
- 4. The impact on you of your erasure is not relevant.*
- 5. You have remained registered and CPD is a legal requirement of registration.*

6. [IN PRIVATE]

7. [IN PRIVATE]'

The Appeal

16. On 30 April 2025, Mr Fuz lodged a notice of appeal against the registrar's decision. With his notice of appeal, he provided his updated CPD record showing the CPD activity which he had subsequently completed and that he had now met the 100 hour overall minimum requirement for his CPD cycle. He accepted that there was a shortfall of 5 hours for the period 2023-24 but submitted that his exceptional circumstances had not been fully acknowledged and that the registrar's decision to erase his name from the Register is disproportionately severe.

17. The registrar's position in response to the appeal, as set out in the GDC Case Summary dated 30 June 2025, is that:

'60. ...Mr Fuz concedes that he did not complete the requisite CPD hours between the period of 1 January 2023 and 31 December 2024. Additionally, the Registrar acknowledges and is sympathetic to the personal difficulties Mr Fuz is experiencing [IN PRIVATE]. However, the Registrar notes that Mr Fuz was reminded in writing of his CPD obligations on multiple occasions, as described above at paragraphs 29 to 34 inclusive. The Registrar respectfully submits that all registrants ought to be

aware of the requirements for continued registration which includes ongoing compliance with the CPD requirements.'

18. The registrar's position is that *'It is open to Mr Fuz to apply to restore his registration at any time following this appeal'.*

Decision

19. The Committee accepted the advice of the Legal Adviser.

20. The first consideration for the Committee was whether Mr Fuz had complied with his CPD requirement by completing at least 10 hours of CPD within the period 1 January 2023 to 31 December 2024. Having reviewed his CPD records, the Committee determined (as is not in dispute on appeal) that he demonstrates only 5 hours of CPD during that period and that there is therefore a shortfall of 5 hours. Accordingly, the Committee was satisfied that he was not compliant with his CPD requirement.

21. The Committee considered the permissive terms of Rule 8 of the Rules, which confer a discretion on the registrar in relation to erasure: whilst the CPD requirement itself is mandatory, enforcing that requirement by erasing a non-compliant practitioner is a matter of discretion. The question of proportionality therefore arises. In considering this question, the Committee had regard to the GDC's *Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance* (February 2024) (the "Guidance").

22. The Committee recognised that the CPD requirement is a mandatory statutory requirement which applies to all registered dental professionals. Compliance is important in helping to ensure public protection and maintaining wider public confidence in the profession, so as to meet the overarching objective of the GDC under section 1 of the Act.

23. The Committee had careful regard to the difficult personal circumstances to which Mr Fuz refers but noted that [IN PRIVATE]. The Committee recognises that Mr Fuz had experienced difficult personal circumstances [IN PRIVATE]. However, the supporting evidence he provides does not show that these circumstances would have prevented him from being able to complete the shortfall of 5 hours during the two-year period under consideration. The personal circumstances on which he seeks to rely are long-standing. They began long before 2023 and are continuing. They were therefore not unforeseeable. Moreover, notwithstanding those difficult personal circumstances, Mr Fuz was able to comply with his CPD requirement in the years prior to the two-year period under consideration and subsequently. He has provided no evidence that those circumstances had significantly worsened during 2023-24.

24. The Committee further noted that Mr Fuz was able to continue working as a Dentist throughout this period. In this regard, the Committee noted paragraph 15 of the Guidance, which states:

'The Registrar should also consider whether the personal circumstances put forward have prevented the registrant from working during the period under consideration. If a registrant has, notwithstanding their circumstances, been able to continue working as a dental professional, the Registrar is highly unlikely to exercise their discretion not to erase for a failure to meet their CPD requirements during the same timeframe.'

25. In the Committee's judgement, the fact that Mr Fuz was able to continue working notwithstanding his difficult personal circumstances means that he would still have had sufficient opportunity to complete the outstanding 5 hours of CPD, in respect of which numerous reminders were sent to him by the GDC towards the end of the two-year period.
26. The Committee was satisfied that the registrar's decision to erase was consistent with the Guidance and is in any event proportionate in all the circumstances. Mr Fuz was in significant breach of the requirement to complete 10 hours of CPD within the two-year period under consideration. Compliance with that requirement is not only a professional duty under the GDC's standards but is in any event a mandatory statutory obligation which applies to all registrants.
27. Whilst the Committee is sympathetic to Mr Fuz, as his non-compliance appears to be the result of personal difficulties rather than a deliberate disregard for CPD and its importance, there are no grounds on which this appeal could be allowed. Mr Fuz had failed to demonstrate that he was compliant with his CPD requirement. His difficult personal circumstances do not amount to exceptional circumstances for the purposes of the Guidance and did not in any event prevent him from continuing to work as a Dentist. The breach was neither marginal nor technical. The decision of the registrar to erase his name was proportionate and was reached correctly in accordance with the procedural requirements of the Rules.
28. Regrettably, this appeal must therefore fail and is dismissed. Unless Mr Fuz exercises his right of appeal to the County Court, the erasure decision will take effect upon the expiry of the 28-day appeal period. It will then be open to him to apply for the restoration of his registration if he meets the CPD and other requirements for restoration.
29. That concludes this determination.