



PUBLIC HEARING

Registration Appeals Committee (Registration Appeal Hearing)

8 July 2024

Name: DE SOUZA, Gleicieli Gonzalves

Case number: CAS-206644

General Dental Council: Mr Matthew Turner, counsel.
Instructed by IHLPS, Amrit Sagoo.

Registrant: Present and unrepresented

Outcome: Appeal dismissed

Committee members: Adrian Smith (Chair and lay member)
Sharon Allen (DCP member)
James Maughan (Dentist member)

Legal adviser: Matthew Corrie

Committee Secretary: Jamie Barge

Ms De Souza

1. This is a Registration Appeal Committee convened to consider your appeal against the decision of the Registrar of the General Dental Council (GDC) that you are not currently eligible for registration as a dental therapist in the UK. You attended the hearing and were not represented. Mr Matthew Turner of Counsel appeared on behalf of the GDC. The hearing was held remotely on Microsoft Teams.
2. Prior to 08 March 2023, an applicant who held an overseas diploma in dentistry was eligible to apply to join the dental care professionals register. However, applicants can no longer rely on this qualification but must now hold a relevant DCP qualification in order to join the dental care professionals register.
3. The Council continues to process applications received before that date in line with the legislation in place at the time the application was received. Your application was received on 29 March 2022. Therefore, for the purposes of the appeal, the Council has referred to the relevant parts of the Dentists Act 1984 that were in place at the time of your application to the Council.

Legal Framework

4. The following paragraphs set out the legal provisions that apply to this appeal.

The Dentists Act 1984 (as amended) (“the Act”)

Section 36C of the Act sets out the requirements for qualification for registration in the dental care professionals register. Sections 36C(1)-(2) and (4)-(6) states the following:

Subject to the provisions of this Act, a person shall be entitled to be registered under a particular title in the dental care professionals register if he satisfies the registrar—

*of matter A or C, and;
of matter D.*

Matter A is that the person holds a qualification or qualifications approved by the Council under section 36D(2) in relation to the profession, or class of members of a profession, to which the title applies.

Matter C is that the person—

(a) holds a qualification or qualifications granted by an institution or institutions outside the United Kingdom relevant to the profession complementary to dentistry, or class of members of such a profession, to which the title applies (in this section referred to as “relevant qualifications”); and

(b) has satisfied the Council that he has the requisite knowledge and skill to practise as a member of the profession or class to which the title applies.

*(4A) Subsection (4)(b) does not apply to a person whose application for registration is made in reliance on a relevant qualification that—
was granted in a relevant European State, and*

demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2).

(5) For the purpose of establishing whether a person has the requisite knowledge and skill for the purposes of subsection (4)(b), the Council—

(a) shall take into account all that person's relevant qualifications, and all relevant knowledge or experience, wherever acquired, and

(b) may determine that a person must perform to the satisfaction of the Council in any test or assessment specified in the determination.

(6) Matter D is—

(a) the person's identity;

(b) that he has the necessary knowledge of English;

(c) that he is of good character; and

(d) that he is in good health, both physically and mentally.

5. On 8 November 2022, you submitted an application form for registration as a dental therapist. You seek to demonstrate that you are suitable for registration as a dental therapist by satisfying the Registrar of Matter C.
6. The sole issue in this appeal is whether you have satisfied this Committee that you have the requisite knowledge and skill to practise as a dental therapist.
7. The Committee also had regard to The General Dental Council (Registration Appeals) Rules Order of Council 2006 ("the Rules").

Background

8. On 25 January 2024 an assessment of your application was first considered by the Registration Assessment Committee ("Committee"). Having considered the application, the Committee did not recommend entry onto the register, as the evidence provided by you did not demonstrate that you possessed the requisite knowledge and skill to be eligible for registration as a dental therapist.
9. The Committee identified a number of deficiencies in respect of your application and having taken into account all the qualifications, knowledge and experience wherever acquired, they concluded that you had not demonstrated the requisite knowledge and skill to be eligible for registration as a dental therapist.
10. The Council relied on the Committee's recommendation and decided to refuse your application for registration as a dental therapist in the dental care professionals register. The Council wrote to you on 29 January 2024 to notify you that your application had been refused. The reasons for the decision were set out in the letter and the Council confirmed that the Committee had identified the various learning outcomes as having not been covered as part of your training or professional experience.
11. Upon receipt of the outcome letter, you, between 6 February 2024 and 22 February 2024, posted a number of additional documents to the Council, which included a

professional work reference, additional CPD certificates and a self-declaration form. On 7 March 2024 the Council sent a letter to you advising you of the following:

The outcome letter informing you of the Committee's decision stated that a professional work reference dated within the preceding five years was required to address the learning outcomes that were deemed as having not been met. However, the professional work reference provided by you was for the period May 2017 to December 2017.

12. The Registrar had reviewed the additional evidence received in February 2024, and it was noted that the experience referred to in the professional reference was not deemed to be recent experience, and thus was not capable of addressing the learning outcomes concluded as having not been met. Therefore, the reference fell short of meriting a reassessment, within the re-assessment process.
13. You were informed of your right to appeal against the decision.
14. On 21 March 2024 the Council received a Notice of Appeal ("NOA") from you in which you stated that you were appealing the Council's decision not to register you as a dental therapist. You provided two reasons:-
 - a) you had provided additional documentation to address the deficiencies identified in the outcome letter; and
 - b) With respect to the professional work reference provided, at the time of submitting your application, the reference fell within the last five years and the Council had three months to review and assess your application.

Oral evidence and submissions

15. Mr Turner, on behalf of the GDC, took the Committee through the background to this case. He submitted that the GDC has accepted the recommendation of the Committee, and its position is that you are not currently eligible for registration as a dental care professional in the UK. The burden is on you to satisfy the Registrar that you have the requisite knowledge and skill, and to date you have not done so. Therefore, he submitted that your appeal should be dismissed on this basis.
16. You elected not to give oral evidence at this hearing but answered questions from the Professional Adviser and the Committee.

The Decision

17. The decision of the Registrar not to register a person's name in the Dental Care Professionals' register is an appealable decision, pursuant to Section 36J and Schedule 4A of the Act.
18. Pursuant to paragraph 4(8) of Schedule 4A of the Act, upon hearing the appeal, the Committee may:
 - (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision appealed against;
 - (c) substitute for the decision appealed against any other decision which could have been made by the Registrar; or

(d) Remit the case to the Registrar to dispose of in accordance with the directions of the Committee.

19. The Committee has carefully considered your appeal. It has taken account of all the documentary evidence and of the submissions made by Mr Turner, on behalf of the GDC. The Committee also carefully considered and accepted the answers you gave to questions asked by the Professional Adviser and the Committee. It accepted the advice of the Professional Adviser and the Legal Adviser.
20. The Committee considered the Continuing Professional Development (CPD) that you have completed since the Registrar's decision, and does not consider that this satisfactorily establishes that you have the requisite skills and knowledge as a dental therapist. The Committee considered that the detailed reflection on individual CPD courses was inadequate. It was not reassured by your answer that you had insufficient time to include detailed reflection.
21. When deciding on your appeal, the Committee considered that to date you do not have the requisite knowledge and clinical skills. It noted that in answer to questions you stated that since qualifying, you have not performed any amalgam restorations. With regard to crowns, you stated that you had not performed the "*Hall technique*" which concerns the fitting of preformed crowns on children's teeth, as they are not done anymore. However, the Professional Adviser confirmed that in the UK this procedure is being routinely carried out. The Committee considers these are very important areas for a dental therapist. The Committee also noted that you confirmed that you had not performed non-surgical periodontal treatment.
22. The Committee noted that when asked about preparation for working as a dental therapist you stated that you have not done any hands-on courses particularly on "*phantom heads*".
23. The Committee noted there is concern with regard the professional work reference dated within the preceding five years. The Committee acknowledges that this is unfortunate and not your own fault, however, in considering whether you had demonstrated the requisite knowledge and skill, it was not satisfied that the reference was sufficiently contemporaneous. Moreover, even if it had been current it would not have adequately established the required level of knowledge and skill for reasons set out above.
24. In answer to questions about your Continuing Professional Development (CPD) at the present time, you were unable to identify any additional learning that is required particularly in respect of your scope of practice and recent prescribing legislation.
25. In addition to the areas above, the Committee had concerns that you had not provided sufficient evidence of your understanding of the role of a dental therapist and what you can and cannot do as opposed to your previous role as a dentist.
26. When making its decision, the Committee noted that the burden was on you to satisfy it that you had the requisite knowledge and skill for registration. The Committee also bore in mind the overarching objectives of the GDC, which included protecting the public and maintaining public confidence in the profession. It determined that based on all the evidence submitted, you had not provided the necessary information to satisfy it that you had the requisite knowledge and skill to be entered on the Dental Care Professionals' register under Section 36C of the Act.

27. Therefore, the Committee has determined to dismiss your appeal.

28. The Committee recommends that you approach your local Postgraduate Dental Dean for advice and support on any future application.

29. That concludes this hearing.