

## PUBLIC HEARING

### Registration Appeals Committee (Registration Appeal Hearing)

23 June 2025

**Name:** KUBICKOVA, Eliska

**Case number:** CAS-210649-Z5Q2S5

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**General Dental Council:** Tom Stevens, Counsel  
Instructed by Noranne Griffith, ILAS

**Registrant:** Present  
Not Represented

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**Outcome:** Appeal dismissed

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**Committee members:** Jane Everitt (Chair, Lay Member)  
James Ashworth-Holland (Dentist Member)  
Jennifer Cawley (DCP Member)

**Professional Adviser** Malcolm Smith

**Legal Adviser:** Megan Ashworth

**Committee Secretary:** Lola Bird

Ms Kubickova,

1. This is a hearing before the Registration Appeals Committee. The hearing is being conducted remotely by Microsoft Teams video-link.
2. The hearing is being held in accordance with the terms of the *General Dental Council (Registration Appeals) Rules Order of Council 2006*, pursuant to Schedule 4A of the *Dentists Act 1984 (as amended)* ('the Dentists Act').
3. The purpose of this hearing has been for the Committee to consider your appeal against the decision of the Registrar of the General Dental Council (GDC), to refuse your application for registration in the Dental Care Professionals Register ('the DCP Register') as a dental hygienist.
4. You are representing yourself at these proceedings. Mr Tom Stevens, Counsel, appears on behalf of the Registrar.

#### **Preliminary submissions**

5. At the beginning of the hearing, Mr Stevens raised with the Committee as a preliminary matter, that since March 2023 there have been some changes to the legislative framework governing applications to the DCP Register. He told the Committee that, in error, the written case summary provided by the GDC for this appeal hearing, refers to the provisions of the Dentists Act as they were pre-March 2023. Your application for registration was made in February 2024, after the legislation had changed. Therefore, your application was assessed in accordance with the revised provisions of the Dentists Act, as they currently stand.
6. Mr Stevens drew to the Committee's attention the key changes to the legislation for the purposes of this appeal. These being that under section 36C(4) of the Dentists Act (Matter C), the words "*other than a diploma in dentistry*" have been included. Further, that Section 36C(5) of the Dentists Act, which is cited in the GDC's written case summary, has now been removed from the legislative framework in its entirety. Mr Stevens submitted that these legislative changes would have no material bearing on the Committee's assessment of your appeal today, but that it was important for the relevant provisions to be cited accurately.

#### **Legal framework**

7. Your application to the GDC for registration as a dental hygienist was made on 7 February 2024. In making your application you relied on your diploma and certification as a dental hygienist completed in the Czech Republic in June 2015.
8. The Committee had regard to the legal framework in relation to your application, as drawn to its attention by Mr Stevens in his preliminary submissions.
9. Section 36C of the Dentists Act governs the requirements for registration in the DCP Register. Section 36C(1) states that:

- (1) *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—*
- (a) of matter A or C, and*
  - (b) of matter D.*

10. Matter A is not relevant to the circumstances of your application. In relation to Matter C, Sections 36C(4) and 36C(4A) of the Dentists Act state that:

- (4) *Matter C is that the person—*
- (a) holds a qualification or qualifications, other than a diploma in dentistry, 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 (see sections 36CB (requisite knowledge and skill: holders of relevant qualifications) and 36CC (requisite knowledge and skill: recognition of relevant qualifications)).*
- (4A) *Subsection (4)(b) does not apply to a person whose application for registration is made in reliance on a relevant qualification that—*
- (a) was granted in a relevant European State, and*
  - (b) 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).*

11. Matter D is dealt with under section 36(C)(6) of the Dentists Act, which states as follows:

- (6) *Matter D is—*
- (a) the person’s identity;*
  - (aa) that he has the necessary knowledge of English;*
  - (b) that he is of good character; and*
  - (c) that he is in good health, both physically and mentally.*

## **Background**

### **First assessment of your application**

12. On 25 April 2024, three assessors formed a Registration Assessment Panel (‘the first assessment panel’) to consider your application for registration and the supporting documents you

provided. The first assessment panel recommended that your application should be refused. This was because it was of the view that there were deficiencies in a number of areas of your knowledge and skill, and it considered that additional professional references, Continuing Professional Development (CPD) and self-reflection evidence was required to meet certain specified learning outcomes.

13. The Registrar relied on the recommendation of the first assessment panel, and you were notified of the refusal of your application in a letter dated 29 April 2024. The individual learning outcomes that were identified as not having been covered as part of your training or professional experience were set out in the letter. You were advised that, should you have any new or additional information which would address the deficiencies identified by the first assessment panel, you could submit the additional information by 27 May 2024, and the Registrar would consider it. You were further advised of your right to appeal the refusal of your application.

#### Second assessment of your application

14. You provided additional information to the GDC, and on 16 December 2024, three assessors formed a Registration Assessment Panel ('the second assessment panel') to consider your updated application for registration as a dental hygienist. The second assessment panel recommended that your application should be refused. This was because it was of the view that there remained a number of deficiencies in a number of areas of your knowledge and skill, and it considered that the further evidence you had provided was insufficient to satisfy the Registrar that you have the requisite knowledge and skill to practise as a dental hygienist in the UK.

15. The Registrar relied on the recommendation of the second assessment panel, and you were notified of the refusal of your updated application in a letter dated 11 February 2025. The individual learning outcomes that were identified as not having been covered as part of your training or professional experience were set out in the letter. You were advised that your application could not be processed any further, and that if you wished to appeal the Registrar's decision, you should do so by 13 March 2025.

#### Your appeal

16. On 13 March 2025, the GDC received your Notice of Appeal (NOA). In support of your appeal, you stated in summary:

- regarding 'Matter C' – that you had completed a dental hygiene programme in your home country where your education and training are considered equivalent to those held by many professionals currently registered in the UK. You stated that you believed you had provided evidence to demonstrate that you possess the requisite knowledge and skill for the role of dental hygienist. The fact that colleagues with similar or the same qualifications are registered in the UK suggests that your training should also be deemed acceptable.
- regarding Matter D - that you were particularly concerned about the evaluation of this matter. You stated that you provided the required evidence in the form of a valid English language

examination. You further stated that it appeared that your character and health were assessed without any in-person interaction, which you said you found problematic and discriminatory.

17. You requested in your NOA that the Registration Appeals Committee re-examines your application for registration in light of “*The international equivalency of my Dental Hygiene qualification*” and the need for a “*more comprehensive evaluation of my character and health...*”

### **Today’s appeal hearing**

18. The Committee heard submissions from Mr Stevens on behalf of the Registrar, as well as oral evidence and submissions from you.

### **Opening submissions made on behalf of the Registrar**

19. Mr Stevens submitted that this appeal Committee was not bound by the decision of the second assessment panel made in December 2024. He submitted that this Committee was tasked with considering your application for registration afresh, taking into account all the evidence before it. In terms of evidence, Mr Stevens noted that there was additional material available at this hearing which was not before the second assessment panel. He also submitted that the Committee could take into account any oral evidence given by you today.

20. Mr Stevens addressed the Committee on the relevant legislative framework and the approach it should take in considering your appeal. He confirmed that your primary dental qualification was obtained in the Czech Republic which is a “*relevant European State*” for the purposes of section 36C(4A). He submitted that, in the circumstances, the starting point for the Committee should be whether your dental hygienist diploma completed in the Czech Republic in 2015 is comparable to an approved equivalent UK qualification for a dental hygienist (as required by section 36C(4A)(b)). Mr Stevens submitted that if the Committee was satisfied that your primary dental qualification is comparable, then it did not need to consider the issue of requisite knowledge and skill as required under section 36C(4)(b) (Matter C).

21. However, Mr Stevens submitted that if the Committee concluded that your primary dental qualification is not comparable, then it would need to consider more generally your knowledge, training and professional experience, to assess whether there is sufficient evidence to demonstrate that you have the requisite knowledge and skill for registration as a dental hygienist under 36C(4)(b) (Matter C).

22. Mr Stevens clarified that, to date, the focus of the GDC’s assessment of your application for registration has been on Matter C. He told the Committee that, as the Registrar’s decision was that you did not meet the requirements of Matter C, the GDC has not in fact make any comprehensive assessment in relation to the Matter D criteria. Mr Stevens acknowledged that there was reference to Matter D in the final GDC outcome letter sent to you in February 2025, and that this may have caused some confusion.

23. Mr Stevens invited the Committee, were it to allow your appeal today in respect of your primary dental qualification or your wider knowledge, training and professional experience, to remit the case back to the Registrar for the consideration of the Matter D criteria.

Your oral evidence

24. The Committee next heard oral evidence from you. You asked the Committee to take into account all the documents you have submitted to date, including your course syllabus for your primary dental qualification, the evidence of your CPD and your self-reflections.

25. You also drew the Committee's attention to the further evidence you have provided in support of your appeal, which includes a document cross-referencing the learning outcomes identified by the assessment panels with the specific areas of your course syllabus, and additional CPD evidence. You stated that you believed that the further evidence outlines in more detail how you meet the requirements for registration as a dental hygienist.

26. You acknowledged that there was a difference between your dental hygienist qualification completed in the Czech Republic and an approved equivalent qualification in the UK, in that dental hygienists are not trained to administer local anaesthesia in the Czech Republic. You told the Committee that this is because by law in the Czech Republic, dental hygienists are not permitted to carry out local anaesthesia. You told the Committee that you have sought practical CPD courses in relation to administering local anaesthesia, but you have found that a GDC registration number is required. You stated that you were willing to take any courses necessary to meet the criteria.

27. You went on to answer questions put to you by the independent Professional Adviser present at these proceedings. These were in relation to the training you undertook as part of your primary diploma. You also spoke about your work experience post-graduation working in dental practices, including working alongside an experienced dental hygienist and a dentist. You outlined the work you undertook both independently and whilst under supervision, namely taking patient histories, recording indices and patients' dental statuses, taking and interpreting radiographs, giving oral hygiene advice and carrying out scaling, including ultrasonic scaling.

Closing submissions made by the parties

28. Mr Stevens asked the Committee to have regard to the position of the GDC, as set out in its written case summary. This being that the Registrar's decision to refuse your application for registration was the right one. Mr Stevens reiterated, however, that it was for the Committee to consider the matter afresh and to determine whether any of the relevant criteria within section 36C of the Dentists Act are met.

29. Mr Stevens asked the Committee to have regard to the overarching statutory objective of the GDC, which includes the protection of the public. He submitted that the Committee should make its assessment based on what you have done up until this point, as opposed to what you may do in the future.

30. You told the Committee that you had no closing submissions to make, although you would like to thank it for its attendance today. You stated that you were prepared to take any additional steps the Committee considered necessary, and that you have taken your application for registration seriously and always with patients' best interests in mind.

### **The Committee's decision on your appeal**

31. The Committee considered all the evidence presented to it. It noted that it had before it today evidence that was not before the second assessment panel, namely the additional material provided in the supplementary appeal bundle and your oral evidence.

32. The Committee took account of the submissions made by Mr Stevens on behalf of the Registrar and your submissions. It accepted the advice of the independent Professional Adviser and that of the independent Legal Adviser present at these proceedings.

33. The Committee first considered your primary dental qualification. In doing so, it noted that one key difference between your training in the Czech Republic and an approved equivalent qualification in the UK, is that you were not trained in the administering of local anaesthesia for the reason you outlined. The Committee noted that in the UK, dental hygienists have been trained in the providing of local anaesthesia since 2010. In view of this difference, the Committee was not satisfied that your primary dental qualification can be considered comparable under section 36C(4A)(b) of the Dentists Act.

34. The Committee therefore went on to consider the evidence before it in relation to your wider knowledge, training and professional experience, and whether this evidence demonstrates that you have the requisite knowledge and skill for registration. It bore in mind that the burden was on you to satisfy it that you meet this requirement under section 36C(4)(b) (Matter C).

35. In reaching its decision, the Committee had regard to all the material that was before both the first and second assessment panels. This included the evidence of your CPD and your self-reflections on your learning and the professional work references that you provided. The Committee also took account of the additional material you provided today, namely the information cross-referencing the identified learning outcomes with your syllabus and the further CPD certificates. The Committee also considered your oral evidence.

36. The Committee noted your acknowledgement about the gap in your training and experience with regard to administering local anaesthesia. This was an area also identified by the assessment panels in relation to learning outcome "*DH 1.7.5 Manage patient pain through the appropriate use of analgesia*". The Committee had regard to the scope of practice of a dental hygienist, which states that a dental hygienist can give infiltration and inferior dental block analgesia if "*trained, competent and indemnified*" to do so. The Committee considered it necessary for a dental hygienist to have practical knowledge of administering local anaesthesia. The Committee noted that such training did

not form part of your primary qualification, and you have been unable to access any relevant hands-on CPD.

37. The Committee also considered from the evidence that there are other important areas of your training and professional experience that appear to be lacking, such as handling medical emergencies and Immediate Life Support. It noted that you were repeatedly asked for evidence of your learning in these areas as part of the assessments of your application.

38. Furthermore, the Committee had some concerns about your apparent lack of knowledge in relation to Direct Access and patient group directives in relation to prescribing, when answering the questions put to you by the independent Professional Adviser. Whilst the Committee took into account that you have not had practical experience of working in dentistry the UK, it considered that some theoretical knowledge of these matters is required. The Committee also considered that you did not demonstrate in your oral evidence adequate knowledge of the link between general health and oral health, which it considered to be important learning for any prospective dental professional.

39. Additionally, the Committee considered the length of time that you have been out of clinical practice. The professional work references you have provided refer to your clinical competency up to 2018 and 2019. The Committee noted that in the most recent work reference, which was before the second assessment panel, it is stated that "*Eliska maintains excellent clinical competency...*". However, given that this relates to a period of practice some years ago, the Committee was not satisfied that it provides sufficient evidence that you can practise safely and effectively today. The Committee noted that the second assessment panel repeatedly referred to the lack of recent professional references to support current clinical competency.

40. Having taken all the evidence before it into account, the Committee was not satisfied that you have demonstrated that you have the requisite knowledge and skill for registration as a dental hygienist as required by section 36C(4)(b) of the Dentists Act (Matter C).

41. Accordingly, the Committee determined to dismiss your appeal.

42. That concludes this determination.