

PUBLIC HEARING

Registration Appeals Committee (Registration Appeal Hearing)

7 January 2025

Name: BHAIYAT, Sajiya Zunaid

Case number: CAS-207761-R3W7T4

General Dental Council: Rowena Wisniewska, Counsel.
Instructed by Needa Bhatti, IHLAS

Registrant: Present
Unrepresented

Outcome: Appeal accepted

Committee Members: Gaon Hart (Lay) (Chair)
Rebecca Northover (Dentist)
Helen Woodall (Dental Care Professional)

Legal Adviser: Megan Ashworth

Professional Adviser: Marina Harris

Committee Secretary: Andrew Keeling

Mrs Bhaiyat,

1. This Registration Appeals Committee was 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 and/or dental hygienist. You attended the hearing, but you were not represented. Miss Rowena Wisniewska, Counsel, appeared on behalf of the GDC. The hearing was held remotely on Microsoft Teams.

Legal Framework

Update to Legislation

2. Prior to 8 March 2023, an applicant who held an overseas diploma in dentistry was able to apply to join the dental care professionals' register. However, applicants can no longer rely on this qualification but must now hold a relevant dental care professional qualification in order to join the dental care professionals' register. Although the GDC will continue to process applications received before that date in line with the legislation in place at the time the applications were received.
3. Your application forms were received on 6 September 2022. Therefore, for the purposes of the appeal, the determination refers to the relevant parts of the Dentists Act 1984 that were in place at the time of your applications to the GDC.

The Dentists Act 1984 (as amended) ("the Act")

4. Section 36C of the Act sets out the relevant requirements for qualification for registration in the dental care professionals register. Sections 36C (1)-(2) and (4)-(6) (as of 31 December 2020 till 07 March 2023) stated the following:

(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.*

(2) 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.

(4) 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—

- (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).

(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;

(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.

5. When determining whether an applicant has the requisite knowledge and skill, the GDC is required under Section 36C(5)(a) of the Act to take into account all the applicant's relevant qualifications, and all relevant knowledge or experience, wherever acquired. The GDC does have the power to require an applicant to perform a test or assessment, however the GDC does not currently ask applicants to undertake a test or an assessment.

Background

6. On 6 September 2022, the GDC received two applications for registration from you, as a dental therapist and as a dental hygienist.
7. You are currently registered with the GDC as a dental nurse. You first registered as a dental nurse on 25 May 2022. Your registration as a dental nurse is based on you obtaining the National Diploma in Dental Nursing NEBDN in 2022.
8. Your applications for registration as a dental therapist and hygienist are made under Section 36C of the Act. You are seeking to rely on a Bachelor of Dental Surgery qualification obtained in India on 21 April 2014. You seek to demonstrate that you are suitable for registration as a dental therapist and as a dental hygienist by satisfying the Registrar of Matters C and D.
9. In respect of Matter C, that is that you hold a qualification or qualifications granted by an institution or institutions outside the United Kingdom relevant to the dental therapist and dental hygienist titles and that you have satisfied the GDC that you have the requisite knowledge and skill to practise as a dental therapist and/or as a dental hygienist.

10. With regard to Matter D, that you have satisfied the Registrar of your identity, your knowledge of English, that you are of good character and good health, both physically and mentally.

Assessment of applications and decision

11. Your applications were first considered by the Registration Assessment Panel (“the Panel”) on 7 September 2023.

Dental therapist application assessment

12. Taking into account all your qualifications, knowledge and experience, the Panel considered that you did not demonstrate the requisite knowledge and skill to be eligible for registration as a dental therapist with the GDC. Therefore, the Panel recommended that you be refused registration.

13. The Panel considered that your knowledge and skill was deficient in a wide range of areas across your primary dental qualification. The Registrar relied on the Panel’s recommendation and made the decision to refuse your application for registration as a dental therapist in the dental care professionals’ register. The GDC notified you on 22 September 2023 that your application for registration with the GDC as a dental therapist had been refused. You were informed that you were not eligible for registration as a dental therapist as you had not satisfied the Registrar that you had the requisite knowledge and skill. The letter detailed that a number of outcomes appeared not to have been covered as part of your training or professional experience.

Dental hygienist application assessment

14. Taking into account all your qualifications and knowledge and experience, the Panel considered that you did not demonstrate the requisite knowledge and skill to be eligible for registration as a dental hygienist with the GDC. Therefore, the Panel recommended that you be refused registration.

15. The Panel considered your knowledge and skill was deficient in a wide range of areas across your primary dental qualification. The Registrar relied on the Panel’s recommendation and made the decision to refuse your application for registration as a dental hygienist in the dental care professionals’ register. The GDC notified you on 22 September 2023 that your application for registration as a dental hygienist had been refused. You were informed that you were not eligible for registration as a dental hygienist as you had not satisfied the Registrar that you had the requisite knowledge and skill. The letter detailed that a number of outcomes appeared not to have been covered as part of your training or professional experience.

16. On 19 October 2023, the GDC received an email from your former employer attaching a professional work reference for you.

17. On 19 October 2023, the GDC received an email from you attaching additional documents which you stated addressed the deficiencies set out in the GDC's recent correspondence. You explained that an additional professional reference had been included within these additional documents, from a former employer. You explained that you had encountered difficulties in contacting this former employer initially and as a result this reference had not been included with your initial registration application.
18. Your application was submitted to a second Panel and considered by the Panel on 25 January 2024.

Dental therapist application re-assessment

19. Taking into account your qualification, professional experience and additional training, the Panel again considered that you did not demonstrate the requisite knowledge and skill to be eligible for registration as a dental therapist with the GDC. Therefore, the Panel recommended that you be refused registration and provided a summary of reasons for this recommendation.
20. The Panel considered that despite the additional evidence submitted by you, your knowledge and skills remained deficient in a range of areas across your primary dental qualification and professional experience and additional training.
21. On 6 February 2024, the GDC contacted you to ask for confirmation as to whether the total amount of your clinical experience across the five-year period was as referenced within the professional references you had submitted.
22. On 12 February 2024, you replied to the GDC and explained:
 - a. You had submitted evidence of your clinical experience from 2014-2015 with your registration applications in September 2022. This was because the five-year clinical experience was not mentioned and also as you were unable to get in contact with your recent professional work referee.
 - b. Following the GDC's request in September 2023 for evidence of recent clinical experience, you were able to get into contact with a referee for whom you had worked in 2019 and who was able to provide you with a professional work reference which you had duly submitted to the GDC.
 - c. Whilst two of the references you had provided did not cover the required timeframe, you had undertaken voluntary work between November 2018-February 2019 which provided the same clinical experience as covered in your previous employments.
 - d. You were willing to provide any further documentation and obtain more clinical experience if required.

23. The Registrar relied on the Panel's recommendation and made the decision to refuse your application for registration as a dental therapist in the dental care professionals'

register. The GDC wrote to you on 29 February 2024 to notify you that your application for registration with the GDC as a dental therapist had been refused.

24. You were informed that you were not eligible for registration as a dental therapist as you had not satisfied the Registrar that you had the requisite knowledge and skill. The letter detailed that a number of outcomes appeared not to have been covered as part of your training and/or professional experience.

Dental hygienist application re-assessment

25. Taking into account your qualification, professional experience and additional training, the Panel again considered that you did not demonstrate the requisite knowledge and skill to be eligible for registration as a dental hygienist with the GDC. Therefore, the Panel recommended that you be refused registration and provided a summary of reasons for this recommendation.

26. The Panel considered that despite the additional evidence submitted by you, your knowledge and skills remained deficient in a range of areas across your primary dental qualification and professional experience and additional training.

27. On 6 February 2024, the GDC contacted you to ask for confirmation as to whether the total amount of your clinical experience across the five-year period was as referenced within the professional references you had submitted.

28. On 12 February 2024, you replied to the GDC and explained:

- a. You had submitted evidence of your clinical experience from 2014-2015 with your registration applications in September 2022. This was because the five-year clinical experience requirement was not mentioned and also as you were unable to get in contact with your recent professional work referee.
- b. Following the GDC's request in September 2023 for evidence of recent clinical experience, you were able to get into contact with a referee for whom you had worked in 2019 and who was able to provide you with a professional work reference which you had duly submitted to the GDC.
- c. Whilst two of the references you had provided did not cover the required timeframe, you had undertaken voluntary work between November 2018-February 2019 which provided the same clinical experience as covered in your previous employments.
- d. You were willing to provide any further documentation and obtain more clinical experience if required.

29. The Registrar relied on the Panel's recommendation and made the decision to refuse your application for registration as a dental hygienist in the dental care professionals' register. The GDC wrote to you on 29 February 2024 to notify you that your application for registration with the GDC as a dental hygienist had been refused.

30. You were informed that you were not eligible for registration as a dental hygienist as you had not satisfied the Registrar that you had the requisite knowledge and skill. The letter detailed that a number of outcomes appear not to have been covered as part of your training and/or professional experience. The GDC invited the Committee to consider each application separately.

Notice of Appeal

31. On 2 April 2024, the GDC received a Notice of Appeal (“NOA”) from you in which you confirmed your wish to appeal the decision on 29 February 2024 to refuse your registration in the dental care professionals’ register. Whilst you have not specifically stated whether you are appealing against the decision to refuse your registration as a dental therapist and/or a dental hygienist, it is noted that you reference both your dental therapist and dental hygienist applications within your NOA. The GDC therefore understands that you are seeking to appeal against the decisions in respect of your dental therapist application and also your dental hygienist application.

32. Within the NOA, you set out the reasons why you were appealing the GDC’s decisions which can be summarised as follows:

- a. In relation to your initial applications in September 2022, there was no reference in relation to clinical experience dated to within the last five-years. As a result, you considered that it was unfair for such a requirement to be retrospectively applied to applications which had already been submitted.
- b. You submitted a further professional work reference evidencing clinical experience (between November 2018 - February 2019) ahead of the Panel’s reassessment of your applications. Your applications were again rejected; this time due to insufficient overall experience. You stated you had not been informed of the experience requirements during the application process.
- c. The gaps in your clinical experience were due to your personal circumstances and choosing to raise your family. You felt that you were being penalised and your significant responsibilities and commitments outside of your professional life disregarded. Also, you found it unfair that your responsibilities were viewed as a detriment to your eligibility for registration.
- d. You were committed to a career in dental hygiene and dental therapy and requested a re-evaluation of your applications taking into consideration your situation.

33. It should be noted that although the matter before this Committee concerns your knowledge and skill, in order to grant registration, the Registrar must also be satisfied of your identity, that you have the necessary knowledge of English, that you are of good character and that you are in good health. Although your qualification has been assessed, the GDC’s Registration department have yet to fully complete the other

registration requirements. In addition, given your application was received on 6 September 2022, the GDC's Registration department may need to seek updated documents before you could be admitted to the register as certain documents are only valid for a certain period of time. For example, the GDC may need to request a new Certificate of Professional Status or Certificate of Good Standing if such a document is more than three months old.

Today's Hearing

Oral Evidence and Submissions

34. In her opening submissions to the GDC, Miss Wisniewska took the Committee through the background to your case. She submitted that you had only three months' experience of clinical practice since 2018 and this was deemed insufficient by the GDC to meet the requirements for registration as a dental hygienist or dental therapist.
35. You gave oral evidence at this hearing. You told the Committee that you had the requisite knowledge and skill to be registered as a dental hygienist and dental therapist. You referred the Committee to your primary dental qualification from India and the clinical reference provided in respect of your voluntary work as a dentist in India between November 2018 and February 2019. You stated that you fulfilled all the criteria requested by the GDC in terms of self-reflection, Continuing Professional Development (CPD) and learning outcomes. You stated that you are experienced in dentistry in the UK as you have been working as a trainee Dental Nurse in the UK since 2019. You subsequently registered as a Dental Nurse with the GDC in May 2022 and had been working as such since.
36. You then answered questions from Miss Wisniewska. In respect of the clinical work you undertook in India between November 2018 and February 2019, you informed the Committee, amongst other things, about the clinical procedures you had undertaken, the number of patients you saw on a daily basis, the differences between clinical practice in India and the UK and about your record keeping practice.
37. In answer to questions from the Committee and the Professional Adviser, you gave further details about your clinical experience in your three-month placement in India in 2018 and 2019. This was in respect of periodontal work, oral health instruction to patients and informed consent. You confirmed that you had not undertaken any clinical practice since this placement in 2019. However, you stated that you are currently applying to take part 2 of the Overseas Registration Examination (ORE) to gain registration as a dentist with the GDC, having passed part 1 of the ORE recently. You also stated that as part of your preparation for the ORE, and since October 2024, you have been regularly practising your clinical skills on a phantom head for three to six hours a day.
38. Miss Wisniewska, on behalf of the Registrar, submitted that the GDC's position remains that you do not have the requisite knowledge and skill under Section 36C of

the Act to be eligible for registration as either a dental therapist or dental hygienist. She submitted that two panels have carried out holistic and detailed assessments of your applications and she urged the Committee to take these into account when making its decision. She submitted that the CPD evidence provided, the reflective pieces undertaken and your clinical practice on phantom heads were not sufficient evidence that you will practise safely and competently. Therefore, she submitted that there would be a risk to patient safety if you were granted registration.

39. In respect of your three-month clinical placement in India between 2018 and 2019, Miss Wisniewska submitted that this represented a very brief snapshot of your experience some time ago and that was concerning. She therefore urged the Committee to refuse both your applications on the grounds of public safety and the public interest.

40. In your closing submissions to the Committee, you submitted that you had vast experience of dentistry in the UK in respect of your practice as a Dental Nurse during which you worked with all types of patients. You submitted that you were currently preparing to undertake part 2 of the ORE by practising on a phantom head, undertaking CPD courses, undergoing self-reflection and reading up on the necessary regulations and guidelines.

The Committee's Powers

41. A decision by the Registrar not to register a person's name in the dental care professional's register is an appealable registration decision under Section 36J and Schedule 4A of the Act. Paragraph 4(8) of Schedule 4A to the Act provides that the Committee may determine to:

- 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 Registration Appeals Committee.

The Committee's Decision

42. The Committee has carefully considered your appeal. It has taken account of all the documentary evidence and of the submissions made by Miss Wisniewska, on behalf of the Registrar, and your submissions and oral evidence. It accepted the advice of the Professional Adviser and the Legal Adviser.

43. The Committee first considered that you had the requisite knowledge for registration as a dental therapist and dental hygienist and this was evidenced by all the documentary evidence submitted by you, and in particular the CPD you had undertaken and your primary qualification of the dental degree. The only issue to consider was your clinical

experience. The Committee noted that your most recent relevant clinical experience was working as a dentist in India for three months between 2018 and 2019. The Committee had sight of the reference provided by your employer during this period, which it considered to be very thorough and detailed. The Committee also considered your evidence today about the range of clinical procedures you had undertaken and the aspects of your work to date.

44. The Committee also had sight of your references from your clinical experience between January and December 2014 and in January 2015, which were similarly detailed and thorough.
45. The Committee acknowledged that your recent clinical experience was limited. It noted the reasons you provided for this, which included your personal circumstances at the time and the effect of the Covid pandemic. However, notwithstanding the limitations in your clinical experience, the Committee noted that the evidence you provided, both documentary and oral, showed that you were a caring and responsible practitioner. In particular, the Committee noted the detailed reflections you have undertaken and the CPD courses you have undergone. It also noted that you have passed part 1 of the ORE and intend to take part 2 in due course. You have also been undertaking recent practical steps to keep up-to-date and enhance your clinical skills by practising on a phantom head. The Committee also noted your recent work as a dental nurse in the UK which showed that you had experience of UK dentistry and demonstrated your ongoing commitment to a career in dentistry. Furthermore, the Committee found you to be a credible and reliable witness and was confident you would therefore take personal responsibility for your practice and performance.
46. The Committee was mindful that it should take a holistic approach when making its decision on your applications. It noted that there was no requirement in terms of the minimum number of hours of clinical practice needed in order for your applications for registration to be granted. Despite the limitations in your recent clinical experience, the Committee was satisfied that you had provided sufficient evidence to show that you would be capable of safe and effective practice as both a dental therapist and dental hygienist in the UK.
47. Therefore, having taken into account all of the evidence presented to it today, the Committee has determined that you have the requisite knowledge and skill to be registered as a dental therapist and dental hygienist with the GDC as required under Section 36C(4) of the Act.
48. Therefore, in accordance with paragraph 4(8) of Schedule 4A of the Act, the Committee has determined to allow your appeal and to quash the decision of the Registrar. The Committee directs that in the place of that decision there be substituted the decision of this Committee that you are eligible to be entered on the dental care professionals' register as a dental therapist and dental hygienist, once you have satisfied the

Registrar of all of the other requirements for registration under Section 36C(1)(b) of the Act.

49. That concludes this hearing.