

**PUBLIC DETERMINATION
ON PAPERS****Registration Appeals Committee
CPD Appeal****16 August 2024****Name:** ANWER, Raqeeb**Registration number:** 86016**Case number:** CAS-207037-C2P9G1

General Dental Council: Not present.
Zara Gull, ILAS.**Registrant:** Not present.

Outcome: Appeal dismissed

Committee members: Gregory Heath (Dental member, Chair)
Kirsty Payton (Dental Care Professional member)
Tara Willmott (Lay member)**Legal adviser:** Barrie Searle**Committee Secretary:** Paul Carson

The Committee made a determination that includes some private information. That information has been omitted from the separate public version of this determination, and that public document has been marked to show where private material has been removed. The private material appears in highlighted form in this private version of the determination.

1. Mr Anwer is a registered 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.
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.
3. Part of this determination shall be announced in private to protect Mr Anwer's right to a private and family life.

Background

4. Mr Anwer first registered with the GDC as a dentist on 27 July 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 (running 1 January to 31 December) within that cycle (Rule 2(5)(b)). This includes any two-year period which spans more than one CPD cycle.
5. 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.
6. In accordance with Rule 3(1) of the Rules, Mr Anwer is required to keep a log of all the CPD that he planned to undertake and had undertaken during the CPD cycle. Rule 4(1) required him to submit an annual statement of his 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)).
7. 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.
8. 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.

9. 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.
10. Between 26 October 2023 and 26 January 2024, the GDC sent Mr Anwer various 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 2024. Mr Anwer 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.
11. On 26 February 2024, the GDC wrote to Mr Anwer under Rule 6 of the Rules to state:

“....Our records indicate that although you did submit a CPD statement you did not declare enough hours to meet the requirement to complete a minimum of 10 hours of CPD over two consecutive years. By not complying with the CPD requirements, you have put your registration at risk.

Your statement is non-compliant because you had previously submitted a 2022 CPD Annual statement of 8 verifiable hours and you have recently submitted a 2023 CPD statement of 0 verifiable hours.

[...]

If you would like to retain your GDC registration, you must now submit your CPD record to the Registrar to demonstrate that you have met the requirement between 1 January 2022 - 31 December 2023. Please provide a copy of your CPD record including any documentary evidence as detailed below by 25 March 2024. Please notify us immediately if there were any reasons or exceptional circumstances that meant you were unable to submit a compliant statement this year. We will consider these when deciding whether to take further enforcement action...”

12. Mr Anwer responded on 25 March 2024 with a covering letter setting out his personal circumstances and enclosing his CPD records. He explained that he had lost or misplaced some of his CPD records (meaning that his original 8 hours for 2022 could not be sufficiently evidenced and therefore were not accepted as verifiable CPD). **[IN PRIVATE]** He explained that, following his two-year absence from clinical practice, he had undertaken refresher courses and expects to be “up to date” with his CPD requirement by the end of his CPD cycle.
13. Mr Anwer apologised to the GDC for being in this position. He explained that he was normally up to date with his CPD requirement but that his two-year absence from clinical practice made this “overwhelming”.
14. On 11 April 2024, the GDC wrote to Mr Anwer under Rule 8 of the Rules to inform him of the registrar’s decision “to remove your name from the Dentists Register for non-compliance with the General Dental Council’s CPD requirements”. The letter explained:

“...Your evidence demonstrates that you have completed 0 hours of verifiable CPD between 1 January 2022 – 31 December 2022 and 0 hours of verifiable CPD between 1 January 2023 - 31 December 2023. 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 10 verifiable hours.*
- Medical Emergencies, First Aid and Basic Life Support/AED in The Dental Practice certificate dated 13 October 2022 does not contain aims, objectives, or GDC outcomes.*

We have considered the evidence provided namely letter and CPD record dated 25 March 2024. 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. Whilst the Registrar is sympathetic of [IN PRIVATE].*
- 3. You have remained registered and CPD is a legal requirement of registration.*
- 4. The extent of your non-compliance, notwithstanding your personal circumstances. Within your written correspondence dated 25 March 2024, you state you have misplaced/lost your CPD certificates. The Registrar submits that it is a registrant’s responsibility to ensure they keep a copy of their CPD record for 5 years after their cycle ends in case they are requested for audit or related procedures.*
- 5. It is a registrant’s responsibility to ensure that documentary evidence meets the enhanced CPD criteria.*
- 6. The CPD you have completed before / since the timeframe under consideration is not relevant...”*

The appeal

15. On 13 May 2024, Mr Anwer lodged his notice of appeal against the registrar’s decision. He does not dispute the assessment of the registrar that he demonstrates 0 hours of verifiable CPD 1 January 2022 - 31 December 2023 and is therefore non-compliant with his CPD requirement. Rather, he sets out mitigating circumstances for consideration on appeal, including [IN PRIVATE] He explained the impact these had on his ability to have kept up to date with his CPD during the two-year period under consideration. He apologised for his non-compliance and for his difficulty in obtaining the missing certificates for CPD activity which he states he had undertaken. He explained that his CPD is now up to date and asked that discretion be exercised in his favour regarding the erasure decision.

16. The registrar's position in response to the appeal is that Mr Anwer "was reminded on numerous occasions of the need to complete his CPD hours and of the requirement to complete 10 verifiable CPD hours in each two-year period", that there is no power to waive these provisions and that "*It is open to Mr Anwer to apply to restore his registration at any time following this appeal*". The registrar acknowledges the various difficult personal circumstances to which Mr Anwer refers, but submits that he "*would have had sufficient opportunities to complete the required CPD*" and that ensuring compliance with the CPD requirement was his responsibility.

Decision

17. The Committee accepted the advice of the Legal Adviser.
18. The first consideration for the Committee was whether Mr Anwer had complied with Rule 2(5)(b) of the Rules by demonstrating at least 10 hours of CPD for the period 1 January 2022 until 31 December 2023.
19. Having carefully reviewed the CPD records which Mr Anwer submitted, the Committee determined that (which is not in dispute) he demonstrates 0 hours of CPD for that period. There is therefore a shortfall of 10 hours. The Committee is in agreement with the registrar that the 3 hour Medical Emergencies, First Aid and Basic Life Support/AED in The Dental Practice certificate dated 13 October 2022 does not contain aims, objectives, or GDC outcomes and therefore cannot be counted as verifiable CPD.
20. Accordingly, the Committee determined that Mr Anwer is not compliant with his statutory CPD requirement, as he does not demonstrate at least 10 hours of CPD for the period 1 January 2022 until 31 December 2023.
21. The Committee was satisfied that the required notices had been duly served on Mr Anwer in accordance with the Rules and that the correct procedure leading to the registrar's erasure decision had been followed.
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. The Committee recognised that the permissive terms of Rule 8 of the Rules 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.
23. 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"), which was used by the registrar in the present case.
24. In the Committee's judgement, the decision to erase was consistent with the Guidance and is in any event proportionate in all the circumstances. Mr Anwer was in complete breach of the 10-hour requirement, which is a mandatory statutory obligation. The breach was neither marginal nor technical. Whilst his difficult personal circumstances

may have been a contributory factor, they do not appear to have been such as would have prevented him from completing the required number of hours. He had a two-year period over which to undertake 10 hours of verifiable CPD and the CPD Rules gave him the flexibility to complete those hours at any time within that two-year period. He was sent repeated reminders by the GDC towards the end of the period setting out his CPD requirement and informing him of the importance of compliance. Those reminders would have provided him with sufficient opportunity to complete 10 hours of CPD by the statutory deadline of 31 December 2023.

25. Mr Anwer also provided no evidence in support of any of the personal circumstances to which he refers in broad and approximate statements, without, for example, specifying precise dates and timeframes. [IN PRIVATE].

26. [IN PRIVATE]

27. [IN PRIVATE].

28. The Committee expresses its sympathy to Mr Anwer for the difficult personal circumstances to which he refers. However, he has not provided evidence in support of them. From the information he provides in his notice of appeal and correspondence with the GDC, his circumstances do not appear to have been such as to have prevented him from completing the 10 hours of verifiable CPD, such that erasure might be disproportionate.

29. Having regard to all the circumstances, including the impact on Mr Anwer, the Committee determined that there are no grounds on which this appeal could be allowed. Mr Anwer had failed to demonstrate that he was compliant with his CPD requirement. The decision of the registrar to erase his name was proportionate and was reached correctly in accordance with the procedural requirements of the Rules and followed repeated reminders to Mr Anwer of his CPD requirement and the importance of compliance to maintain continued registration.

30. This appeal must therefore fail and is dismissed. Unless Mr Anwer exercises his right of appeal to the court, the erasure decision will take effect upon the expiry of the 28-day appeal period. It is open to him to apply for the restoration of his registration if he meets the CPD and other requirements for restoration.

31. That concludes this determination.