

PUBLIC HEARING

Registration Appeals Committee (Registration Appeal Hearing)

31 July 2025

Name: HARIRI, Mohammad

Case number: CAS-209824-G9N9C2

General Dental Council: Matthew Turner, Counsel
Instructed by Noranne Griffith, ILAS

Appellant: Present
Represented by Mr Siavash Khasraghi (a professional colleague)

Outcome: Appeal dismissed

Committee Members: Gregory Heath (Dentist) (Chair)
Caroline Ross (Dental Care Professional)
Clive Powell (Lay)

Legal Adviser: Tehniat Watson

Committee Secretary: Andrew Keeling

Mr Hariri,

1. This Registration Appeal 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 in the UK. You attended the hearing and you were represented by Mr Siavash Khasraghi, a professional colleague. Matthew Turner, Counsel, appeared on behalf of the GDC. The hearing was held remotely on Microsoft Teams.

Legal Framework

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

2. Section 36C of the Act sets out the relevant requirements for qualification for registration in the dental care professionals (DCP) register:

(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.*

3. Your application for registration was made under Matters C and D. You are relying on your Doctor of Dental Surgery ("DDS") obtained in Iran in 2006.
4. On 8 March 2023, Section 36C(4)(a) of the Act was amended to remove the diploma in dentistry from the definition of relevant qualifications for this section. As a result, new applicants cannot rely on a degree or diploma in dentistry qualification to join the DCP register. Your application was received prior to this amendment. Accordingly, your application was processed in line with the legislation in force at the time (as set out above).
5. The only matter under consideration in this appeal is whether you have the necessary knowledge of English to practise as a dental therapist.

Knowledge of English

6. Section 53(1) of the Act defines 'the necessary knowledge of English' for a DCP registrant as the:

'(b)...knowledge of English which, in the interests of the person and the person's patients, is necessary for the practice of a profession complementary to dentistry in the United Kingdom.'

7. Section 36CA of the Act further states that:

(1) 'The Council must publish guidance about:

(a) the evidence, information or documents to be provided by an applicant for the purpose of satisfying the registrar under section 36C(6)(aa) that the applicant has the necessary knowledge of English; and

(b) the process by which the registrar is to determine whether the registrar is satisfied as mentioned in paragraph (a).

(2) The registrar must have regard to the guidance published under subsection (1) in determining whether the registrar is satisfied as mentioned in subsection (1)(a).

(3) *Subsections (4) and (6) apply if, having considered any evidence, information or documents provided by the applicant in support of the applicant's application, the registrar is not satisfied under section 36C(6)(aa) that the applicant has the necessary knowledge of English.*

(4) *The registrar may request the applicant to provide further evidence, information or documents within such period as the registrar may specify. ...'*

GDC Guidance: Evidence of English language competence: Guidance for applicants

8. In accordance with section 36CA (set out above), the Council has published the guidance document: *Evidence of English language competence: Guidance for applicants* ("the Guidance").

9. Paragraph [2] of the Guidance states that the Council has elaborated on section 53(1) of the Act so that the standard is:

'You must be sufficiently fluent in written and spoken English to communicate effectively with patients, their relatives, the dental team and other healthcare professionals in the United Kingdom.'

10. Paragraph [3] of the Guidance states that:

'The Standards for the Dental Team also highlight the need for dental professionals to be able to document their work clearly and accurately. If dental professionals do not have the necessary knowledge of English, they are unlikely to fulfil these requirements. Communication is speaking, reading, writing and listening.'

11. The Guidance provides the four broad types of evidence the Council is likely to accept to demonstrate knowledge of English:

- a. *Type 1: An International English Language Testing System (IELTS) certificate at the appropriate level.*
- b. *Type 2: A recent primary dental qualification that has been taught and examined in English.*
- c. *Type 3: A recent pass in a language test for registration with a regulatory authority in a country where the first language is English.*
- d. *Type 4: Recent experience of practising in a country where the first language is English.*

12. Further, paragraph [22] of the Guidance states that the Council is unlikely to need further evidence of knowledge of English if applicants:

- a. *Have a recent primary dental qualification that has been taught and examined entirely in English; or*
- b. *Have qualified in a country where English is the first and native language; or*
- c. *Have recent and continuous experience of practising in a country where English is the first and native language.*

13. Paragraph [23] defines 'recent' as meaning evidence relating to English language competence that is less than two years old at the point of the application being submitted to the Council.

14. The Guidance states in paragraph [25] that the following criteria will be applied when determining whether evidence is sufficient to prove the necessary knowledge of English. The evidence must:

- a. *Clearly demonstrate that the applicant has a good command of the English language that should suffice to fulfil the requirements of the Dentists Act in relation to English language competency;*
- b. *Be recent, objective, independent and robust;*
- c. *Be readily verifiable by the Council.*

15. Further, paragraph [26] defines 'readily verifiable' as meaning that the Council must be able to verify the evidence without too much difficulty.

16. In line with the four types of English language evidence set out above, the Guidance sets out specific types of evidence the Council will routinely accept as demonstrating the necessary knowledge of English in paragraphs [27] to [43]. This list is non-exhaustive and includes:

1. *A certificate in the IELTS exam with an overall average score of 7 (and no less than a minimum of 6.5 in any of the modules). The GDC may accept IELTS test scores that are more than two years old if evidence can be provided that the applicant's language skills have not deteriorated in that time.*
2. *Evidence that the applicant has a primary dental qualification that has been taught and examined in English. Recent is defined as no more than two years old, and 75% of the applicant's clinical interaction must have been conducted in English. Where a primary dental qualification is not recent, the Council may ask for evidence that dentistry has been practised for the preceding two years in a country where English is the first and native language.*
3. *A recent pass in a language test for registration with a regulatory authority in a country where the first and native language is English. Recent is defined as no more than two years' old. If the pass is not recent, the Council may ask for evidence that dentistry has been practised for the preceding two years in a country where English is the first and native language.*

4. *Recent experience of practising in a country where the first and native language is English. Recent is defined as no more than two years' old.*

Background

Application for registration

17. Your application for registration as a dental therapist and supporting documents were received by the GDC on 22 December 2022.
18. On 9 February 2024, the GDC emailed to inform you, that upon initial consideration of your application, there appeared to be a number of documents missing, rendering your application incomplete. The GDC requested that you provide copies of the following documents by 8 March 2024:
- a. Diploma and transcript – You were required to provide certified copies of your degree certificate and record of achievement.
 - b. Self-reflections – You were advised to provide additional self-reflections on a number of additional topics.
19. On 7 March 2024, you emailed to inform the GDC caseworker that you had sent additional documents to address the matters above on 29 February 2024 and request a short extension in order for these to be received. On 28 March 2024, the GDC caseworker emailed you to confirm receipt of the same.
20. On 2 April 2024, the GDC caseworker emailed you requesting English language evidence and provided a structured reference form for this purpose. The caseworker also requested a contract or letter confirming enrolment on an accredited trainee dental course in the UK where the medium of instruction is in English.
21. On 16 April 2024, the GDC caseworker received an email from you in respect of the provision of further information in response to the caseworker's last email. On the same date, the caseworker confirmed receipt of the same.
22. On 13 and 20 May and 3 June 2024, you emailed the GDC caseworker to request an update in respect of your application.
23. On 11 June 2024, the GDC caseworker requested you provide copies of the documents that had been requested and that once this had been done, the caseworker indicated that she would submit your documents to the next available panel. You replied on the same day to indicate that the documents you had provided were originals and requested that the caseworker copy these.

24. Also on 11 June 2024, the GDC caseworker informed you that, having queried your English language evidence with her manager, you were required to send your employment contract for your dental nursing qualification by email. This request was followed up by the caseworker on 1 August 2024 and again on 11 September 2024.
25. On 24 September 2024, you replied and attached a contract of voluntary work and asked to be informed if any additional documents or further information was required.
26. On 2 and 9 October 2024, you emailed the GDC caseworker requesting an update.
27. On 11 October 2024, the GDC caseworker emailed you advising that you had to provide a contract from SmileWisdom Academy where you were undertaking your primary dental qualification. The GDC caseworker also asked you if your dental nurse training had been completed and requested a copy of your Dental Nursing Certificate for a Diploma in Dental Nursing.
28. On 14 October 2024, you replied to provide a structured reference from the practice where you worked as a trainee dental nurse (“the dental practice”).
29. On 28 October 2024, the GDC caseworker informed you that a structured reference via email would only be accepted if sent directly from the referee themselves and advised you that alternatively, it could be sent by you by post if it contained a wet ink date and signature. You were requested to post the reference, or have your referee send it by email, by 4 November 2024.
30. On 29 October 2024, you provided a reference by post and indicated that you had done so by email of that date.
31. Also on 29 October 2024, the GDC caseworker emailed you to confirm receipt of the documents provided but that, having consulted with her manager, the reference could not be accepted as you had not been working as a trainee dental nurse for at least six months. You were informed that you needed to provide another form of English language evidence. Attached with the email was the Guidance.
32. On 31 October 2024, you questioned why evidence of six months’ work was being required and that this was not referred to in the Guidance. You stated that, *‘several of my colleagues with only one to two months of work experience, along with the structured references, have been approved’*.
33. On the same day the GDC caseworker replied to advise you that all structured references were subject to GDC review and are not guaranteed to be accepted. The caseworker explained that, *‘At present, due to the limited time you have worked at the practice, it has not reassured the GDC that you have the required level of English language proficiency’*.

34. Also on the same day, you replied to say that you wanted to complain and that there was no mention in the Guidance of “*guarantee issues within it*”. You indicated that you wished to complain to a higher level if the GDC caseworker felt she could not proceed with accepting it and requested information on how to complain, with your application being put on hold in the meantime. On the 7 November 2024, you followed up his email with a further email in a similar vein.

35. On 12 November 2024, the GDC caseworker’s manager emailed you to:

- a. Set out guidance as to the requirements as regards English language knowledge;
- b. Explain that if the evidence provided does not meet those requirements you will be required to undertake an English language proficiency test / International English Language Testing System (“IELTS”) certificate and what scores would be required;
- c. Highlight the general criteria applied in respect of all English language evidence and explaining that each case is considered on its own merits;
- d. Inform you that, having reviewed the structured references provided, ‘*The reference from SmileWisdom Academy lacks detail and contains errors, whilst the reference from [the dental practice] also lacks detail, and only covers a period of 1 month, which raised concerns about the robustness of assessment of your language proficiency provided within the structured references*’.
- e. Inform you that your application could not be kept on hold indefinitely and giving a deadline of 30 November 2024 for you to provide evidence of English proficiency meeting the required standard and that if you failed to meet this deadline, your application would be returned and the route to registration would no longer be available.
- f. Again provide the Guidance to you.

36. On 27 November 2024, you emailed the GDC casework manager and caseworker to ‘*formally appeal the recent decision to reject my English language evidence*’ and provided a “*detailed account of the situation as follows*”:

“I initially submitted all required documents in December 2023. On 9 February 2024, I received a deficiency email from..., which made no mention of any issue with my English language evidences.

After addressing the deficiencies and completing the required CPD courses, I submitted all necessary documents via post. Following two months of follow-up, I

was informed on 2 April 2024 that I needed to submit either a work contract OR proof of enrollment (sic) of Dental Nurse course.

I provided the enrollment (sic) confirmation letter for the Dental Nurse course. After two more months of follow-up, on 11 June 2024, I was again asked to provide a work contract.

Based on the previous emails and document requests, I was under the impression that the Evidence of English language competence issue had been resolved. I had returned to my home country due to family reasons but immediately came back to the UK upon realizing the need for a work contract. Despite significant challenges, I secured a job and submitted a signed contract to the GDC.

After submitting the contract, I received an email stating that the structure of the reference did not align with the requirements. I promptly submitted both a revised reference and structured reference from my employer via email. Following my case worker's review, I was informed that the signed structured reference had to be sent physically. I again complied and sent the documents via Royal Mail.

Lastly, I received an email stating that the contract must be for a minimum of six months to be approved. This condition was neither mentioned in the previous communications nor in the GDC's published requirements.

After fulfilling all the requested requirements and going through significant challenges to comply with these demands, I was surprised and disheartened to learn that my language evidence has now been rejected and I am being asked to provide an IELTS result. Had this issue been raised in the initial deficiency email, I could have addressed it promptly and even prepared for an IELTS exam at the time.

Given my current work commitments and limited time, I am unable to adequately prepare for the IELTS test within the stipulated timeframe. Furthermore, the inconsistency in communication and the repeated requests for additional documents have caused me considerable mental stress and hardship.

I have escalated this matter as a formal complaint to a higher level and respectfully request that my case be held in abeyance until the outcome of this complaint is determined.'

37. On 9 December 2024, you were notified that the GDC had determined that you were not currently eligible for registration as a dental therapist as you had not satisfied the Registrar that you had the requisite knowledge of English to practise as a member of that profession. The reasons given were as follows:

'Having considered all the evidence provided, the registrar is not satisfied that you have the necessary knowledge of English. The reference from SmileWisdom Academy lacks detail and contains errors, whilst the reference from [the dental practice] also lacks detail, and only covers a period of 1 month. This raises concerns about the robustness of assessment of your language proficiency provided within the structured references. Therefore, you have not clearly demonstrated that you have a good command of the English language that should suffice to fulfil the requirements of the Dentists Act in relation to English language competency.'

38. You were notified that the decision to refuse entry to the register was an appealable decision, and as such, you had 28 days (after the date of the letter) to appeal the decision.

Notice of Appeal

39. You submitted a Notice of Appeal ("NOA") dated 24 December 2024 and attached an updated professional reference covering the period 23 September 2024-23 December 2024.

40. Within your NOA, you set out that you are appealing the GDC's decision on the following grounds:

- a. You were not informed of the deficiencies as regards your English language evidence during the application process, nor was he given an opportunity to address it.
- b. He submitted all required evidence on time, including supplementary language related documents.
- c. In light of the above, the decision to refuse his application was (procedurally) unfair and unreasonable and had he been made aware of the issue he would have addressed it immediately.

Submissions and Oral Evidence

41. Mr Turner, on behalf of the GDC, first took the Committee through the legal and procedural background in respect of your appeal. He submitted that the GDC's position is the same as outlined in its written case summary, dated 8 May 2025. He referred the Committee to the evidence of the two structured references you have provided, which he submitted lacked detail, contained errors and covered a very short time period. Based on this evidence and applying the Guidance, he submitted that it was reasonable to determine that the evidence you had provided was insufficient. Therefore, he submitted that there was nothing unreasonable or unfair about the GDC's decision that you were not eligible for registration. He also submitted that the

burden was on you to persuade the Committee that you satisfied the requirements. Furthermore, he submitted that the Committee can look at everything afresh and hear directly from you at this hearing, which it might find useful.

42. You gave oral evidence to this Committee. In answer to questions from Mr Khasraghi, you stated that the GDC had not informed you about the lack of detail in the references you had provided. Furthermore, you were concerned about the GDC's request for evidence of a minimum of six months' work experience. You explained that this minimum time period is not mentioned in the Guidance and that there is a lack of clarity on this.
43. In answer to a question from Mr Turner, you explained the importance of communication when working as a dental practitioner. You explained that in your role as a trainee dental nurse, you have to communicate with patients, colleagues and staff. You also have to take histories from patients, update dental records, provide instruction for oral hygiene and book appointments.
44. In answer to questions from the Committee, you stated that you have been working as a trainee dental nurse for a year and are currently enrolled on a dental nurse course, which you hope to complete next year. You stated that you have not provided any further information for this hearing other than the documents submitted as part of your appeal, as you believe that the previous documents you have submitted are sufficient. Lastly, you stated that you have not had time to take the IELTS exam as you have been busy preparing for part 1 of the Overseas Registration Exam (ORE) as it is your aim to be registered as a dentist in the UK.
45. Mr Khasraghi, on your behalf, submitted that you had two main concerns regarding your application for registration. Firstly, he submitted that you were not informed by the GDC that the structured references you had provided lacked detail and, therefore you were not given the chance to re-submit these references. Secondly, he submitted that you are aware that many of your colleagues have not had to provide evidence of work experience for six months. He submitted that these colleagues went on to obtain registration with the GDC through the same route that you are applying.

The Committee's Powers

46. 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.

47. The Committee also had regard to The General Dental Council (Registration Appeals) Rules Order of Council 2006 (“the Rules”).

The Committee’s Decision

48. The Committee had careful regard to the documentary evidence provided today and took account of your oral evidence, and the submissions from Mr Turner and Mr Khasraghi. It also had regard to the Guidance. It accepted the advice of the Legal Adviser.

49. When considering your appeal, the Committee noted that it was its task today to make a fresh assessment of your application for registration as a Dental Therapist in respect of whether you have the necessary knowledge of English. It noted your oral evidence and Mr Khasraghi’s submissions regarding alleged procedural unfairness in respect of your application, however it was not the Committee’s role to make any findings on this. The Committee also noted that the burden was on you at this appeal hearing to satisfy the Committee that you have met the necessary requirements for knowledge of English.

50. The Committee first considered the two structured references you had provided as part of your application and about which the GDC had concerns. The first reference was from SmileWisdom Academy, which was dated 27 June 2023 and contained, in the Committee’s view, numerous grammatical and spelling errors. The second reference, dated 14 October 2024, was from the dental practice where you are currently working as a trainee dental nurse. The Committee noted that this was lacking in detail and only covered a brief period of three weeks. You provided an updated reference, dated 23 December 2024, from the same practice, but the Committee considered that this was also lacking in detail and for a relatively short period of time. The Committee, therefore, did not consider these references to be sufficiently cogent or reliable to attest to your knowledge of English. The Committee noted that you have produced no further information in support of your application since December 2024.

51. The Committee also gave careful consideration to your oral evidence. However, it appeared to the Committee that you did not fully understand what was required of you to satisfy the GDC that you have the necessary knowledge of English. In particular, you informed the Committee that you have not had time to take the IELTS examination, despite this being recommended by the GDC in their emails to you. Furthermore, your oral evidence and Mr Khasiraghi’s submissions focused on your perceived unfairness of the application process.

52. For these reasons, the Committee determined that you have not demonstrated that you have the necessary knowledge of English required for registration as a Dental Therapist in the UK as required under section 36C(6(aa)) of the Act (Matter D).
53. Accordingly, the Committee has determined to dismiss your appeal in accordance with paragraph 4(8)(a) of Schedule 4A to the Act.
54. That concludes this hearing.