

ON PAPERS**Registrations Appeal Hearing
CPD Appeal Hearing****24 March 2025**

Name: ADIN, GULBAHAR
Registration number: 237469
Case number: CAS- 209340-K7R6C6

General Dental Council: Instructed by Needa Bhatti, ILAS

Registrant: Unrepresented

Outcome: Appeal dismissed

Committee members: Rhona Stevens (Chair, Dentist member)
Tanya Viehoff (DCP member)
Tara Willmott (Lay member)

Legal adviser: Trevor Jones

Committee Secretary: Jamie Barge

1. This is an appeal meeting before the Registration Appeals Committee (RAC). The appeal is against the decision of the Registrar of the General Dental Council (GDC) to erase Ms Adin from the Register for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements. The hearing is being held in accordance with the terms of the *General Dental Council (Registration Appeals) Rules Order of Council 2006* ('the Registration Appeal Rules'), pursuant to Schedule 4A of the *Dentists Act 1984* (as amended) ('the Act').
2. The hearing was conducted remotely via Microsoft Teams in line with current GDC practice. Neither party was present at today's hearing, following notification from the GDC that the appeal was to be conducted on the papers.

Preliminary matter

Decision to conduct the appeal in the absence of Ms Adin and on the papers

3. Neither party was present at today's meeting. The Committee noted that conducting the appeal on the papers is the default position of the GDC unless an appellant requests an oral hearing. Having considered the documents provided, the Committee was satisfied that Ms Adin had made no such request.
4. Notification of this appeal was sent to Ms Adin by Recorded Delivery and secure email on 3 February 2025 in accordance with Rule 5 of the Registration Appeal Rules.
5. The Committee was satisfied that it was appropriate to consider today's appeal in the absence of the parties and on the papers.

Decision and reasons on the appeal

Background

6. The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 ('the CPD Rules') set out the CPD requirements placed on DCP registrants as of 1 August 2018, and the steps that the GDC shall take in respect of registrants' compliance and non-compliance with those requirements.
7. The CPD Rules came into force on the 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018.
8. In accordance with Rule 1, a 'CPD cycle' means, in respect of a dental care professional, a period of five years beginning on 1 August following the date the dental care professional is first registered and each subsequent period of five years. A 'CPD year' means, in respect of a dental care professional, a period of 12 months beginning on 1 August in any calendar year.
9. Ms Adin appealed against the Registrar's decision that despite her CPD being non-compliant because she failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period 1 August 2022 – 31 July 2024, and asked the Registrar to consider exceptional circumstances.

Summary

10. The GDC's case in support of its decision was summarised as follows:

Ms Adin first registered with the General Dental Council (“the Council”) as a dental nurse on 27 November 2012. In accordance with Rule 1 as set out above, Ms Adin’s prior CPD cycle began on 01 August 2018 and ended on 31 July 2023. Ms Adin’s current CPD cycle began on 01 August 2023 and will end on 31 July 2028 (page 12). Ms Adin was required to complete a minimum of 10 hours of verifiable CPD over two consecutive years, which covered her two CPD cycles – between 01 August 2022 to 31 July 2024.

On 22 May 2024, the Council sent an email reminder to Ms Adin’s registered email address. This reminder notified Ms Adin that her 2023- 2024 CPD cycle year was coming to an end and reminded her that she was required to submit her CPD statement, detailing how many CPD hours she had completed during that year, by 28 August 2024. The email also reminded Ms Adin of the need to complete a minimum of 10 hours of CPD during each period of two consecutive years, including any two-year period spanning over more than one CPD cycle. Ms Adin was notified that if she failed to submit her CPD statement by this date her registration may be put at risk.

On 12 June 2024, 4 July 2024, 19 July 2024 and 5 August 2024 the Council sent further email reminders to Ms Adin’s registered email address, notifying her that her 2023-2024 CPD cycle year was coming to an end and reminding her to submit her CPD statement, detailing how many CPD hours she had completed during that year, by 28 August 2024.

Between 12 August 2024 and 28 August 2024, the Council sent three text message reminders to Ms Adin’s registered mobile number requesting that she submit her 2023-2024 CPD annual statement by 28 August 2024

Rule 6 notice

On 25 September 2024, the Council sent Ms Adin a notice under Rule 6 of the 2017 Rules to her registered address by recorded delivery. The notice stated that, although Ms Adin had submitted a CPD statement to the Council, she had not declared enough hours to meet the requirement to complete a minimum of 10 hours of CPD over two consecutive years. Ms Adin was informed that she had previously submitted a CPD statement for 2022-2023 detailing six verifiable CPD hours and then submitted a statement for 2023-2024 with zero verifiable CPD hours. Ms Adin was informed that she needed to submit a compliant CPD record covering 1 August 2022 to 31 July 2024 by the deadline of 23 October 2024 in order to demonstrate that she had met the requirement.

Correspondence with Ms Adin

On 8 October 2024 the Council received a letter from Ms Adin together with her CPD evidence.

The Registrar considered the content of Ms Adin’s letter, setting out her challenging personal circumstances, and applied the Council’s Guidance on the Registrar’s Discretion to Erase for CPD Non-compliance. As part of that consideration the Registrar noted the following:

- a. The events described were not exceptional personal circumstances beyond Ms Adin's control;
- b. Notwithstanding Ms Adin's circumstances, she had been able to continue working as a dental professional.

Rule 8 notice

On 5 November 2024, the Council sent a Rule 8 Notice to Ms Adin's registered address by recorded delivery. On 6 November 2024, a copy of the notice was also sent to Ms Adin by email. This notice confirmed that Ms Adin had failed to provide a compliant CPD record demonstrating that she had met the minimum requirement for the period 1 August 2022 to 31 July 2024.

On 6 November 2024 the Council received an email from Ms Adin in which she confirmed that she had sent the Council a copy of her CPD evidence via post and attached a receipt confirming posting. On 7 November 2024 the Council responded to Ms Adin to clarify that Ms Adin's CPD evidence had been received and assessed however she was deemed to be non-compliant with her CPD requirements. Ms Adin was advised to review the Notice 8 letter issued on 5 November 2024 and respond as appropriate

Notice of Appeal

On 18 November 2024, the Council received a Notice of Appeal ('NOA') from Ms Adin together with CPD evidence.

On 20 November 2024, Ms Adin's CPD evidence was reviewed by the Council's Operations Officer. A copy of this assessment sets out why Ms Adin's CPD evidence was non-compliant:

- 'Ms Adin has failed to provide sufficient evidence that demonstrates compliance with the CPD requirement of completing 10 hours of verifiable CPD over 2 consecutive years.
- 3 x Verified Learning certificates dated 21 August 2024 are not within the requested assessment period.
- 4 x Cavity Training certificates dated 21 August 2024 and 22 August 2024 are not within the requested assessment period.
- 8 x FMC dated 4 September 2024 are not within the requested assessment period.
- No Activity Log has been provided'

As of 20 November 2024, Ms Adin had demonstrated that she had completed six hours of verifiable CPD hours for the period 1 August 2022 – 31 July 2024. Ms Adin was therefore required to provide a further four hours of CPD evidence for this period. On 11 February 2025 the Council received further correspondence and medical evidence from Ms Adin.

Submissions

11. In its written submissions, the Council's position is that Ms Adin's CPD is non-compliant because she has failed to demonstrate that she has completed the minimum requirement to undertake 10 hours of verifiable CPD during the period 1 August 2022 to 31 July 2024. This period covered

the last year of Ms Adin's prior CPD cycle 2018-2023 (1 August 2022 to 31 July 2023) and the first year of Ms Adin's current CPD cycle 2023-2028 (1 August 2023 to 31 July 2024). The requirement to complete a minimum of 10 hours of CPD does not reset at the beginning each new CPD cycle but covers consecutive two-year periods and spans across CPD cycles. As a result, Ms Adin was required to complete a minimum of 10 hours of CPD for the period 1 August 2022 to 31 July 2024. In addition, an Activity Log has not been provided.

12. The Council notes that Ms Adin has provided CPD documentation with her NOA for CPD completed between 21 August 2024 – 4 September 2024. However, the CPD undertaken outside of the relevant period cannot be counted. Only CPD undertaken between 1 August 2022 – 31 July 2024 can be considered by the Registrar when assessing compliance under Rule 2(5) of the 2017 Rules.
13. As set out above, there is no power to waive these provisions.
14. The Council acknowledges the difficult personal circumstances for Ms Adin due to her experiencing bereavement following the death of family and friends and the ill health of her sister. The Council is also sympathetic to Ms Adin's current health issues. Whilst the Registrar is afforded a discretion not to erase a registrant where there are exceptional circumstances, the Registrar did not consider Ms Adin's circumstances amounted to exceptional circumstances based on the information provided under their assessment at Rule 8.
15. The Council is of the view that Ms Adin has completed six verifiable CPD hours between 1 August 2022 and 31 July 2024 and has a shortfall of four hours. Therefore, Ms Adin failed to meet the requirement that dental care professionals complete a minimum of 10 verifiable CPD hours in each two-year period as per Rule 2(5) of the 2017 Rules.
16. It is the Registrar's position that all registrants ought to be aware of the requirements for continued registration which includes ongoing compliance with the CPD requirements. The purpose of the CPD requirement is to ensure that GDC registrants are, at all times, appropriately educated and trained to provide safe care to the public. Compliance with CPD is mandatory for all dental professionals and is a requirement for their continued registration. Completing CPD is not dependent, or linked, to employment.
17. It is open to Ms Adin to apply to restore her registration at any time following this appeal.

Committee's decision

18. The Committee had regard to the documentary evidence provided today and took account of the written submissions made on behalf of the GDC and those made by Ms Adin in her Notice of Appeal. It heard and accepted the advice of the Legal Adviser.
19. The Committee first calculated the number of hours of CPD which Ms Adin was required to undertake. The Committee was in agreement with the Registrar (and it is not in dispute on appeal) that Ms Adin was required to complete at least 10 hours of verifiable CPD during her two-year CPD cycle. She is only short of 4 hours in a two-year period. The Committee was of the view that despite the difficult circumstances, it considered that she could have completed this CPD prior to the deadline of 31 July 2024.
20. The Committee was satisfied that Ms Adin had not complied with this requirement.

21. The Committee has taken full account of the difficult personal circumstances Ms Adin experienced. It noted the number of reminders that were sent by both email and text to Ms Adin. The Committee determined that it was her responsibility to be familiar with the CPD requirements. Having carefully considered Ms Adin's personal circumstances, the Committee did not consider these to amount to exceptional circumstances that would have prevented her from completing her CPD requirements in the statutory time frame. As of today, Ms Adin had only completed six hours of verifiable CPD in the requisite period. The Committee is satisfied that Ms Adin was non-compliant with her CPD requirements.
22. The Committee was satisfied that the GDC has complied with the 2017 Rules in dealing with Ms Adin's CPD requirements including the serving of the statutory notices on her.
23. The Committee also balanced the interests of Ms Adin against the wider public interest and to the public expectation that registered dental professionals will meet their statutory CPD requirements in order to remain on the Register. The Committee was satisfied that the decision was proportionate, and this appeal therefore fails.
24. Accordingly, the appeal is dismissed. The Committee wished to remind Ms Adin that it is open to her to apply for the restoration of her name to the Register upon completion of the required number of CPD hours.
25. This will be confirmed to Ms Adin in writing.
26. That concludes this determination.