

PRIVATE HEARING

Registration Appeals Committee (Registration Appeal Hearing)

1 August 2025

Name: SMITH, Chloe June

Case number: CAS-210326-R8P4Y7

General Dental Council: Abimbola Johnson, Counsel
Instructed by Noranne Griffith, ILAS

Appellant: Present
Not Represented

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

At this hearing the Committee made a determination that includes some private information. That information shall be omitted from any restricted version of this determination and the document marked to show where private material is removed.

Miss Smith,

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 nurse in the UK. You attended the hearing, but you were not represented. Miss Abimbola Johson, Counsel, appeared on behalf of the GDC. The hearing was held remotely on Microsoft Teams.

Preliminary Matter

Application for the Hearing to take place in Private

2. At the beginning of the hearing, Miss Johnson made an application for the hearing to take place entirely in private pursuant to Rule 14(1) of the General Dental Council (Registration Appeals) Rules Order of Council 2006 (“the Rules”) as your appeal concerned matters in respect of your health. You agreed that you were content for the hearing to be heard entirely in private. The Committee heard and accepted the advice of the Legal Adviser as to the provisions of the Rules and the approach it should take to its decision.
3. The Committee bore in mind that, as a starting point, hearings should be conducted in public session. However, having regard to the particular circumstances of your appeal, which was inextricably linked to your health, the Committee was satisfied that the hearing should be held entirely in private.

Legal Framework

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 (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 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. The only matter under consideration in this appeal is whether you are in good physical health for the purposes of Matter D.

Good Health

6. In order for the Registrar to be satisfied that any applicant is in good health for the purposes of section 36C(6) of the Act, the only judgement the Registrar makes about an applicant is whether the person would be fit to practise. This a question of whether the applicant can practise the profession safely and effectively and in line with the Standards for the Dental Team as reflected in “Health Conditions: Report to the four UK Health Departments” (“June 2009 report”) by the now Professional Standards Authority. The content of this report is adhered to by the Council in respect of the health assessment element of registration applications and is reflective of its approach.
7. The Standards for the Dental Team set out the standards of conduct, performance and ethics that govern dental professionals and include as follows:

Principle 9 – Make sure your personal behaviour maintains patients’ Confidence in you and the dental profession

Patient expectations

Patients expect:

- That all members of the dental team will maintain appropriate personal and professional behaviour
- That they can trust and have confidence in you as a dental professional
- That they can trust and have confidence in the dental profession

Standards

You must:

.....

9.2 Protect patients and colleagues from risks posed by your health, conduct or performance....

.....

Guidance

.....

Standard 9.2: You must protect patients and colleagues from risks posed by your health, conduct or performance

9.2.1 If you know, or suspect, that patients may be at risk because of your health, behaviour or professional performance, you must consult a suitably qualified colleague immediately and follow advice on how to put the interests of patients first.

9.2.2 You should not rely on your own assessment of the risk you pose to patients. You should seek occupational health advice or other appropriate advice as soon as possible.

Background

8. You submitted an application form for registration as a dental nurse, dated 15 January 2025 (and received on 17 January 2025) under section 36C of the Act.
9. Your application for registration is made under Matters A and D. As regards Matter A, you are relying on your dental nurse apprenticeship along with your Level 3 Extended Diploma in Dental Nursing obtained in June 2024.
10. [PRIVATE]
11. [PRIVATE]
12. [PRIVATE]
13. [PRIVATE]
14. [PRIVATE]
15. [PRIVATE]
16. [PRIVATE]
17. [PRIVATE]
18. [PRIVATE]
19. [PRIVATE]
20. [PRIVATE]
21. [PRIVATE]
22. [PRIVATE]
23. [PRIVATE]

Notice of Appeal

24. On 10 February 2025, the Council received a Notice of Appeal (“NOA”) from you. In support of your appeal you stated that:

[PRIVATE]

Oral Evidence and Submissions

25. You gave oral evidence at this hearing. [PRIVATE]

26. You then answered questions from Miss Johnson. [PRIVATE]

27. [PRIVATE]

28. [PRIVATE]

29. [PRIVATE]

30. [PRIVATE.] Therefore, she invited the Committee to dismiss your appeal. [PRIVATE]

The Committee's Powers

31. 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

32. The Committee had regard to the documentary evidence provided today and took account of your oral evidence and the submissions from Miss Johnson. It accepted the advice of the Legal Adviser. The Committee had regard to the guidance outlined in the "*Health Conditions: Report to the four UK Health Departments*" ("*June 2009 report*") by the now Professional Standards Authority and the GDC's '*Health self-certification guidance*'. The Committee was mindful of the GDC's Standards, particularly *Standard 9.2: You must protect patients and colleagues from risks posed by your health, conduct or performance*. It also was mindful of the GDC's overarching objective to protect patients, colleagues and the wider public from risk of harm.

33. When considering your appeal, the Committee was mindful that the burden was on you to satisfy it that you are in good health, both physically and mentally to meet the requirements of registration. [PRIVATE]

34. The Committee gave careful consideration of your oral evidence. [PRIVATE]

35. [PRIVATE]

36. Accordingly, in accordance with paragraph 4(8)(a) of Schedule 4A of the Act, the Committee has determined to dismiss your appeal. [PRIVATE]

37. That concludes this hearing.

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