

**Registrations Appeal Committee
Registrations Appeal Hearing****5 June 2025****Name:** ALMEIDA DAVIES, Ana Fatima**Contact number:** CAS-210604-K7C4C6

General Dental Council: Helena Duong, Counsel
Instructed by Sushuma Chandrasekhar, IHLPS**Appellant:** Present and unrepresented

Decision: Appeal dismissed

Committee members: Debbie Jones (Chair, Dental Care Professional member)
Katie Howlett (Dentist member)
Valerie Atkinson (Lay member)**Legal adviser:** Justin Gau**Professional adviser:** Bev Littlemore**Committee Secretary:** Sara Page

1. This Registrations Appeal Committee (RAC) has convened in accordance with the '*General Dental Council (Registration Appeals) Rules 2006*' ('the Appeal Rules'), pursuant to Schedule 36J of the '*Dentists Act 1984*' (as amended) ('the Act'). The purpose of the hearing is to consider your appeal against the decision taken by the GDC's Registrar to your application for entry to the register as a dental therapist and a dental hygienist.
2. The members of the Committee, as well as the Legal Adviser and the Committee Secretary, conducted the hearing remotely via Microsoft Teams in line with current General Dental Council (GDC) practice.
3. You were present at the hearing and unrepresented.
4. Ms Helena Duong, Counsel, appeared as case presenter on behalf of the GDC.

Background

5. On 6 March 2023, the Council received applications from you for registration as a dental therapist and a dental hygienist.
6. You first registered with the Council as a dental nurse on 4 February 2022 with registration number 299224.
7. Your applications were made under section 36C of the Act, and in reliance on Matter C and D. In respect of Matter C, you hold a qualification granted by an institution outside the United Kingdom relevant to the dental therapist and dental hygienist titles and you have satisfied the Council that you have the requisite knowledge and skill to practise as a dental therapist and dental hygienist. You relied on a Bachelor's Degree in Dentistry gained from the Universidade Federal de Sergipe, Brazil, awarded on 26 October 2006. In respect of Matter D, you must satisfy the Registrar of your identity, your knowledge of English, are of good character and are of good health, both physically and mentally.
8. The only matter being considered as part of this appeal is whether you have satisfied the Registrar of Matter C.
9. In support of your applications, you submitted documentation to the Council. Between 9 August 2024 and 28 October 2024 there was communication between you and the Council to ensure that the application contained the relevant information and also to provide an extension of time to submit the documents.
10. On 29 October 2024, the Council wrote to you confirming your application was ready for the January 2025 Registration Assessment Panel ("Panel") and that a decision would be made by the Registrar in due course.

Assessment and decisions

11. Both applications were assessed by the Panel on 8 January 2025. The assessors noted learning outcomes that were not sufficiently covered in the applications, along with suggestions for evidence that would demonstrate the learning outcomes. Having considered the available evidence, the Panel did not recommend entry onto the register for either application.
12. On 14 January 2025, the Council wrote to you with a copy of the decision letters. In the decision letters, the Council relied on the Panel's recommendations and confirmed the decisions that you were not eligible for registration because you had not satisfied the Registrar that you had the requisite knowledge

and skill to practise using either title. The decision letters identified a list of learning outcomes not covered as part of your training or professional experience, along with suggestions for evidence that might demonstrate the learning outcomes.

13. The Council identified a number of Dental Therapist outcomes and a further number of Dental Hygienist outcomes that you had not demonstrated and provided the panel's comments on the type of evidence that might demonstrate this learning outcome.
14. In each of the decision letters, the Council also advised you that you could apply for new assessments if you had new or additional information to address the above deficiencies. The Council gave further information about reassessments and indicated that any new information would need to be received within 28 days of the decision letter. Further, the Council advised that due to the amendments to the Act, if your application was unsuccessful after reassessment, you would not be able to apply via the same route. The letters also gave information about your right to appeal the decisions.
15. Between 20 January 2025 and 13 February 2025, there were communications between you and the Council about matters relating to reassessment.

Reassessment

16. You sought a reassessment and on 10 February 2025 submitted further evidence for both applications. This consisted of:
 - a) Continuing Professional Development (CPD) certificates on various topics;
 - b) a professional work reference from Bruno Marcel Tavares Costa; and
 - c) self-reflections on various topics.
17. Your application documents were reviewed by the Registrar in light of the new information provided. The Registrar decided that the new information did not fully remedy the deficiencies identified by the Panel as there was no recent reference submitted. Accordingly, the application was not submitted to a further Panel for assessment.
18. The Council wrote to you on 17 February 2025, stating:
 - a) in the decision letters dated 14 January 2025 you had been requested to provide a recent professional reference confirming clinical competency covering various learning outcomes that were deemed insufficient;
 - b) the Registrar had considered the additional evidence submitted but that the experience provided in the professional reference was not deemed to be recent, which did not satisfy previously outlined deficiencies, which would not be sufficient for reassessment;
 - c) that from 8 March 2023 an overseas diploma (degree or diploma that qualifies a person as a dentist) cannot be used to support an application for registration as a Dental Care Professional (DCP) in the United Kingdom (UK); and
 - d) that you had a right to appeal this decision by 19 March 2025.
19. There were subsequent communications between you and the Council clarifying the reasons for the decision.

Notice of Appeal

20. On 18 March 2025, the appellant filed a Notice of Appeal (“NOA”) with a further professional work reference from Bruno Marcel Tavares Costa.
21. On 29 May 2025, you emailed the Council with further evidence, consisting of an original ‘Certificate of Specialist in Periodontology’ from the Federal University of Bahia, Brazil, awarded on 9 September 2010.

Submissions

22. In your NOA, you referenced a number of areas highlighted in the Registrar’s decision. You stated that:
 - the Council only requested a ‘recent’ professional reference in relation to confirming your clinical competency but the definition of ‘recent’ was not made apparent at any point, thus setting an unclear and uncommunicated threshold for you to meet;
 - if you had received clear instruction on the recency of references for clinical work, you would have retained your registration in Brazil, which you terminated in 2022, and attempted to seek more recent experience in 2023-2024;
 - your application was submitted on 6 March 2023 and on that date the references provided with your application, relating to your clinical work as a dentist up to 2018, would have been within five years. However, it was not until August 2024 that you received an update and was assigned a caseworker.
23. You also provided oral evidence under affirmation at today’s hearing. You stated in your oral evidence that you submitted your application in March 2023 but did not get feedback until August 2024, a gap of some 17 months during which time your evidence of clinical competency was considered to be invalid as it was no longer ‘recent’. When you contacted your case worker in August 2024, you stated that they were unable to provide you with any specifics relating to the term ‘recent’. You stated that there is a lack of clarity in the process and the GDC should have considered your application sooner and that the time it took to do so was outside of your control.
24. You made further submissions on the lack of consideration given to your continuous employment and qualification in Brazil. You stated that you worked as a dentist in Brazil continuously from 2006-2018 without a break. During this time, you undertook further study and specialised as a registered periodontist with a degree in periodontology from a university in Brazil. Since moving to the UK, you had only a six-month break from dentistry before rejoining the profession as a trainee dental nurse. Therefore, you submitted this experience demonstrates the clinical competencies in respect of which clarification was sought in the letter of January 2025.
25. You submitted that COVID-19 significantly affected your ability to obtain consistent clinical work due to travel restrictions and safety concerns. You did, however, maintain your registration in Brazil through to 2022 which allowed you to provide clinical advice and support to Brazilian colleagues via online meetings and calls, discussing and assisting with patient management and treatment planning, when face-to-face contact was restricted. You stated that this was mentioned by your referee in the reference submitted in February 2025, but you stated the timeframe was not clearly stated and may have been overlooked.
26. You asked for the work you undertook during the pandemic to be taken into account in the light of the restrictions faced. You requested that such work be considered as ‘recent’ clinical work and would therefore bring your evidence more up-to-date by including work undertaken during the pandemic during 2020-21.

27. In addition, you outlined a number of personal circumstances that you faced during the relevant time period and how this affected your ability to travel to Brazil between 2019 and 2022.
28. You stated that you are dedicated to staying with the dental profession and to remaining in the UK, and that your CPD and other activities had enriched your knowledge and understanding of the latest advancements in dental therapy and hygiene practices. You confirmed that you are committed to continuing to improve upon your knowledge and skills. In particular, you referred to:
 - 250 hours of CPD to confirm your competency and understanding of standards and knowledge expected of a dental therapist and hygienist in the UK;
 - a hands-on face-to-face training course which allowed hands on experience of clinical therapy and hygiene on handheld models;
 - your progression by taking on additional roles such as infection control lead and responsibility for nursing with the foundation dentist at your current place of work; and
 - opportunities for support and mentorship available to you should you gain registration, and you have also researched opportunities for dental therapy foundation training in the West Midlands which you would consider if you gained registration.
29. You confirmed that you have had a change of employer since the submission of your application and that your current employer is supportive of your application. You explained that the public health system in Brazil does not operate in the same way that it does in the UK and that as it is a developing country, evidential documentation is not always easily or readily available as it is in the UK. You told the Committee that you live in a rural area and believe you would be able to provide necessary care and treatment to those in your community. You stated that you believed your evidence is sufficient but that you are willing to continue with your professional development and asked the Committee to consider all the evidence before it and allow your appeal.
30. Ms Duong, on behalf of the GDC, submitted that the applications for entry onto the DCP register were thoroughly assessed by the Panel whose recommendations were accepted by the Council.
31. As regards the issue of recent evidence, Ms Duong submitted that the Assessment Panels consider the entirety of the application. Its focus is on the primary syllabus, followed by other relevant evidence including clinical experience, CPD and self-reflections. The Council accepts there are no rules or published policy guidance on the level of clinical experience preferred. Panels historically considered clinical experience within two years of the date of application as recent and robust – the two-year requirement has also been included in application forms in the past. The rationale for this requirement was to ensure that the applicant had not deskilled and to mitigate any risk to public safety. However, she confirmed that the two-year approach was relaxed to five years as a result of the COVID-19 pandemic (and waiting times for panel assessments) – it is accepted that the five-year approach was not mentioned on application forms (including yours). Whether applying the two-year or five-year approach, the Council is prepared to assess evidence outside that period; it is not a hard requirement and clinical experience beyond that timeframe is not automatically excluded. Ms Duong submitted that the issue for the Committee to determine is whether you possess the requisite knowledge and skill for registration in either the dental therapist or dental hygienist titles. She stated that the Committee may take into account the documentation contained in the Registration Appeal Bundle, in addition to any further evidence provided before or at the hearing.

32. As this is your appeal, Ms Duong reminded the Committee that the burden is on you to satisfy the Committee that you have the requisite knowledge and skill for registration as a dental therapist and/or dental hygienist under section 36C of the Act.
33. Ms Duong stated that following the Panel assessment, the Registrar also reviewed the application taking into account the recommendations of the Panel and the additional information provided by you. The Council's position is that you are not currently eligible for registration as a dental therapist or dental hygienist and that your appeal should be dismissed on this basis.
34. The Committee was also assisted by the Professional Adviser, Ms Bev Littlemore, who questioned you in relation to a number of clinical matters regarding your dental therapist and dental hygienist practice.

Committee's decision and reasons on application

35. In coming to its decision, the Committee considered all the evidence before it today. It took account of the submissions made by both parties and accepted the advice of both the Professional Adviser and the Legal Adviser.
36. The Committee noted that you had raised the amount of time taken by the GDC to consider your application but accepted the advice of the Professional Adviser that such a time period was standard for the GDC and there was no specific delay in its consideration of your application. The Committee also accepted that the GDC considers all evidence submitted from the date of the application, and not the date of its consideration of your application. Even considering that, your submission relating to your clinical experience was outside the five-year period.
37. In addition, there was no evidence before the Committee that that GDC had not taken into account your personal circumstances or the impact of the COVID-19 pandemic in its assessment of your application.
38. Having carefully considered the documentary evidence submitted by you, and the oral evidence you provided at today's appeal hearing, the Committee noted that you have not practiced clinically since 2018. The Committee also took into account the considerable amount of CPD you have undertaken, but as this was all theoretical and did not include any 'hands-on' courses involving treatment of patients, you have not been able to demonstrate safe application of your practical skills.
39. Whilst the Committee was sympathetic to the clear efforts you have made in applying to the Register, and the obvious knowledge you have demonstrated, it concluded that you have not demonstrated the requisite practical skill to practise safely as a dental therapist or a dental hygienist.
40. In all the circumstances, the Committee determined to refuse your appeal for registration in the Dental Care Professionals Register.
41. This will be confirmed to you in writing in accordance with the Act.
42. That concludes this determination.