

ON PAPERS**Registration Appeals Committee
(CPD Appeal)****25 March 2025****Name:** WATSON, Faye Alexandra**Registration number:** 275523**Case number:** CAS-209326

General Dental Council: Sushuma Chandrasekhar, ILAS**Registrant:** Unrepresented

Outcome: Appeal dismissed

Committee members: Anthony Mole (Lay) (Chair)
Alison Mayell (Dentist)
Victoria Hewson (Dental Care Professional)**Legal adviser:** William Hoskins**Committee Secretary:** Andrew Keeling

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

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1. This was an appeal meeting before the Registration Appeals Committee (RAC). The meeting was conducted remotely on Microsoft Teams.
 2. The appeal was against the decision of the Registrar of the General Dental Council (GDC) to erase Miss Watson from the Register for apparent non-compliance with the statutory Continuing Professional Development (CPD) requirements. The meeting was 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').

3. Neither party was present at today's meeting. The Committee first considered the issues of service and whether to proceed with the meeting on the papers in the absence of Miss Watson and any representatives for either party. The Committee accepted the advice of the Legal Adviser on both of these matters.

Decision to conduct the appeal in the absence of Miss Watson and on the papers

4. Notification of this appeal was sent to Miss Watson by Recorded Delivery and secure email on 20 February 2025 in accordance with Rule 5 of the Registration Appeal Rules.
5. The Committee noted that conducting the appeal on the papers is the default position of the GDC unless an appellant requests an oral hearing. It took into account that the GDC's acknowledgement of Miss Watson's appeal, dated 29 November 2024, informed Miss Watson that she could request an oral hearing within 28 days of the date of the letter. Having considered the documents provided, the Committee was satisfied that Miss Watson had made no such request.
6. The Committee noted that the bundle of documents and case summary that the Committee would be considering were sent to Miss Watson by Recorded Delivery and secure email on 6 March 2025.
7. In the circumstances, the Committee was satisfied that it was appropriate to consider today's appeal in the absence of either party and on the papers.

Private Application

8. The Committee noted the Council's application, made in their written submissions, for today's meeting to be part-held in private in order to protect Miss Watson's private and family life. Having accepted the advice of the Legal Adviser, the Committee decided to accede to the application for the reasons put forward by the Council. The meeting was therefore part-held in private and a private and public determination will be produced.

Summary of the Legal Framework

9. 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.

10. The current CPD Rules came into force on 1 January 2018 and took effect in respect of dental care professionals on 1 August 2018.
11. 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.
12. Rule 2(1) of the CPD Rules sets out the minimum number of hours of CPD a practitioner must complete within their CPD cycle.
13. Rule 2(5)(b) of the CPD Rules requires dental care professionals to undertake at least 10 hours of CPD during each period of two consecutive CPD years (including any such two-year period which spans over more than one CPD cycle).
14. Rule 3 provides the requirement that all registrants must maintain a written record of all CPD that the practitioner plans to undertake and has undertaken during the CPD cycle. Rule 3 also sets out what the written record must include.
15. Rule 4 of the CPD Rules states that for each CPD year, a practitioner must submit to the Registrar a statement which confirms the number of hours of CPD undertaken during that corresponding year or, if the practitioner has not undertaken any CPD in that CPD year, confirmation that no CPD has been undertaken. The practitioner must also confirm in this statement that they have kept a CPD record, that the CPD undertaken (where applicable) was relevant to the practitioner’s field of practice and declare the information in their statement is full and accurate. This statement must be completed within 28 days of the end of that CPD year.
16. Rules 6 and 7 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.
17. Rule 8 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 and/or other related obligations under the relevant Rules.

Summary of the factual background

18. Miss Watson first registered with the Council as a dental care professional, with the title dental nurse, on 28 February 2018. Miss Watson’s current CPD cycle began on 1 August 2023 and will end on 31 July 2028.

19. On 22 May 2024, the Council sent an email reminder to Miss Watson's registered email address. This reminder notified Miss Watson that her 2023-24 CPD year was coming to an end and that she was required to submit her CPD statement by 28 August 2024. This reminder explained the requirement of detailing the verifiable CPD hours for the current CPD year of 1 August 2023 to 31 July 2024 and also explained the requirement to complete at least 10 verifiable CPD hours over the last two CPD years. Miss Watson was advised that if she did not submit a compliant statement before the deadline, her registration may be put at risk.
20. On 11 June 2024, the Council sent Miss Watson an Annual Renewal Notice letter by post to her registered address. The Annual Renewal Notice is designed to remind registrants that their registration with the Council is due for renewal, of the need to pay the annual retention fee, of the need to make the indemnity declaration, and of the need to make the CPD statement. Miss Watson was also reminded in this notice that she was required to make her CPD statement by 28 August 2024. It was stated that Miss Watson would need to ensure that she declared at least 10 hours of verifiable CPD for every two consecutive CPD years. The notice also advises registrants that if they are short of completed CPD hours, they should take the opportunity to be compliant by the deadline.
21. Between 12 June 2024 and 28 August 2024, four email reminders were sent to Miss Watson's registered email address and three SMS reminders were sent to her registered mobile number reminding her to submit her CPD statement.
22. On 25 September 2024, the Council sent a notice under Rule 6 to Miss Watson by recorded delivery to her registered address. On 27 September 2024, a copy of the Rule 6 notice was also sent via email to Miss Watson's registered email address.
23. The Rule 6 Notice stated that, although Miss Watson 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 verifiable CPD over two consecutive CPD years. It was noted that Miss Watson had submitted an annual CPD statement of 4 verifiable hours for the 2022-2023 CPD year and an annual CPD statement of 4 verifiable hours for the 2023-2024 CPD year. The notice stated that if Miss Watson wanted to retain her registration, she should submit her CPD record to the Council by 23 October 2024 to demonstrate that she had met the requirement. She was also advised to submit a personal development plan and activity log. She was informed that if the Council did not receive a response to the notice by that date or if her response was unsatisfactory, she may be erased from the dental care professionals' register.
24. On 27 September 2024 Miss Watson sent an email to the Council asking who to contact with regard to her hours not being up to date. On 30 September 2024 the Council responded to Miss Watson by e-mail:

- a. stating that upon review of her record she had submitted four verifiable CPD hours for each of 2022-23 and 2023-24 years but that was not enough to meet the requirement of completing 10 hours over a two year period;
 - b. advising her to read the Rule 6 Notice sent to her on 25 September 2024 and respond accordingly;
 - c. reminding her to include her personal development plan and activity log;
 - d. advising her that once the required information was received, her CPD record would be assessed and her records updated accordingly; and
 - e. reminding her of the submission deadline of 23 October 2024 with an indication of where to send digital copies.
25. On 30 September 2024 the Council received an email from Miss Watson, asking who to speak to about **[PRIVATE]**.
26. On 1 October 2024 the Council sent an email to Miss Watson:
 - a. emphasising the importance of CPD in protecting patients and safeguarding public confidence;
 - b. reminding her that she is obliged to continue to do CPD **[PRIVATE]**, as CPD is a legal requirement of registration;
 - c. stating that it was not open to the Council to pause her registration;
 - d. informing her that there was an option to voluntarily remove herself from the register whilst not working but as she had been issued with a Rule 6 Notice, voluntary removal could not occur;
 - e. stating that if she was unable to comply with the requirements, she had to allow the Council to serve her with the appropriate notices which would result in her removal from the register; and
 - f. informing her that removal from the register for CPD non-compliance would not affect her registration process if she wished to be restored to the register and that she would be required to provide CPD evidence in the 5 years immediately preceding the application for restoration.
27. On 1 October 2024 the Council received an email from Miss Watson indicating that she had not logged her CPD correctly and would be sending training certificates to the Council.
28. On 2 October 2024 the Council sent an email to Miss Watson:
 - a. reminding her to send in her personal development plan and activity log relating to the period 1 August 2022 to 31 July 2024; and
 - b. reminding her of the submission deadline of 23 October 2024 with an indication of where to send digital copies.
29. On 8 October 2024 the Council received an email from Miss Watson. This contained a screenshot of her CPD record. She also stated she was unable to update her CPD record for 2022-23 but maintained that she had completed 10 hours of CPD.

30. On 9 October 2024, the Council sent two emails to Miss Watson. The first email:
- stated that, as she has been issued with a Rule 6 Notice, it was not possible to update her CPD statement but that record would be updated on receipt of CPD evidence;
 - reminded her to include only CPD that was relevant to the assessment dates between 1 August 2022 to 31 July 2024 as CPD outside these dates cannot be accepted;
 - reminded her to include her personal development plan and activity log; and
 - reminded her of the submission deadline for the CPD record of 23 October 2024 with an indication of where to send digital copies.
31. In the second email sent by the Council to Miss Watson on 9 October 2024, the Council noted that the 10 CPD hours completed by her are dated between 1 August 2024 – 31 July 2025 and therefore must be declared in her 2024-2025 annual year.
32. On 10 October 2024, Miss Watson sent an email to the Council stating that she was enclosing some attachments. These attachments are referred to by the Council in its email response to Miss Watson dated 11 October 2024 stating that they would be assessed for compliance and this could take up to six weeks.
33. On 5 November 2024, the Council sent a Rule 8 erasure notice to Miss Watson's registered address by recorded delivery. On 6 November 2024, a copy of the notice was sent via email to Miss Watson's email address.
34. The Rule 8 erasure notice:
- stated that her CPD record was non-compliant as she, by not having undertaken any verifiable CPD during 1 August 2022 to 31 July 2024, had failed to meet the requirement of completing at least 10 verifiable hours of CPD over that period;
 - stated that the CPD record was also not compliant because Miss Watson had failed to submit an activity log and also the CPD records that were supplied were not dated within the requested assessment period;
 - indicated that the Council did not consider that she, in her email to the Council of 30 September 2024, had submitted sufficient evidence of exceptional circumstances that would engage the Registrar's discretion not to erase her name from the register, noting;
 - [PRIVATE]**;
 - [PRIVATE]**;
 - there was no evidence that Miss Watson had attempted to meet her CPD or otherwise engaged positively with her CPD requirements, notwithstanding her personal circumstances; and

- iv. the CPD completed by Miss Watson since the timeframe under consideration is not relevant;
- d. indicated that the Registrar had made the decision to remove her name from the dental care professionals register for non-compliance with the Rules; and
- e. notified Miss Watson that unless an appeal was submitted by 3 December 2024, the Registrar's decision would take effect on 5 December 2024.

The Appeal

35. On 27 November 2024 the Council received a Notice of Appeal ("NOA") from Miss Watson which confirmed that she wished to appeal against the decision to remove her from the dental care professionals' register. In her NOA Miss Watson refers to [PRIVATE] and a lack of knowledge as to her options regarding her registration. The attachments consist of certificates of completion of CPD hours and a personal development plan.
36. On 28 November 2024 Miss Watson's CPD evidence was assessed by a Senior Operations Officer. Miss Watson was deemed to be non-compliant with her CPD requirements on the basis that she had not provided sufficient evidence to demonstrate the completion of at least 10 verifiable CPD hours for the period 1 August 2022 to 31 July 2024. She also did not provide an activity log for the required period. It was noted that the CPD certificates provided by Miss Watson in support of her appeal were for courses completed outside the relevant period. It was confirmed that, as of 28 November 2024, Miss Watson had completed zero verifiable CPD hours between 1 August 2022 to 31 July 2024.

Submissions

37. In the GDC's written submissions, the Registrar's position was set out as follows:

'It is the Registrar's position that Miss Watson is non-compliant with the CPD requirements because she has failed to provide a CPD record demonstrating that she has completed the minimum verifiable CPD requirement for the period 1 August 2022 to 31 July 2024, in accordance with Rule 2. She also failed to provide an activity log.'

It is submitted by the Registrar that Miss Watson was reminded on numerous occasions of the need to complete her CPD hours and of the requirement to complete at least 10 verifiable CPD hours during the period 1 August 2022 to 31 July 2024, as set out in detail above.

As of 28 November 2024, Miss Watson had completed zero verifiable CPD hours between 1 August 2022 and 31 July 2024, which breaches the requirement that dental care professionals must submit evidence that they have completed a

minimum of 10 verifiable CPD hours over that period. As set out above, there is no power to waive these provisions.

In her NOA Miss Watson does not dispute that she failed to complete the required CPD hours or that she failed to provide the activity log.

In her NOA, Miss Watson makes submissions in relation to exceptional circumstances beyond her control which prevented her from fulfilling the required CPD. The Registrar refers to the Council's Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance, issued in February 2024 ("the Guidance"). The Registrar notes factors that are not relevant to the Registrar's assessment at Rule 8, as they are outweighed by the public interest in upholding CPD requirements consistently across the profession, as set out in paragraph 18 of the Guidance.

In her NOA Miss Watson states that she did not comply with the CPD requirements as [PRIVATE]. The Registrar notes that the presence of exceptional circumstances is to be decided on a case-by-case basis but, in pursuit of the over-arching objective of the Council, the threshold is necessarily high, as set out in paragraph 12 of the Guidance.

[PRIVATE]

In her NOA Miss Watson provides evidence of CPD courses undertaken in October 2024. Whilst the Registrar acknowledges that Miss Watson is undertaking steps to ensure that she does not find herself in a similar position again, the relevant period for this appeal is 1 August 2022 to 31 July 2024. Therefore, any verifiable CPD completed outside the relevant period is not applicable, as explained in paragraph 18(a) of the Guidance.

It is open to Miss Watson to apply to restore her registration at any time following this appeal.'

Committee's decision and reasons on the appeal

38. The Committee had regard to the documentary evidence provided today and took account of the written representations made by the GDC and Miss Watson's Notice of Appeal. It accepted the advice of the Legal Adviser. The Committee also took note of the GDC's *Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance* (February 2024) (the GDC's Guidance).
39. The first consideration for the Committee was whether Miss Watson had complied with her obligations under the CPD Rules [by demonstrating completion of at least 10 hours of verifiable CPD within the period 1 August 2022 and 31 July 2024.

40. Having carefully reviewed the CPD records which Miss Watson submitted, the Committee determined that she had not completed any verifiable hours of CPD within the period of 1 August 2022 to 31 July 2024. This was consistent with the Registrar's assessment that Miss Watson was 10 hours short in the relevant period. Therefore, the Committee determined that Miss Watson is not compliant with her statutory obligations under the CPD Rules.
41. The Committee was satisfied that the required notices had been duly served on Miss Watson in accordance with the Rules and that the correct procedure leading to the Registrar's erasure decision had been followed. The remaining consideration for the Committee was therefore whether the Registrar's decision to erase should be allowed to stand.
42. 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 patient safety and in 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 noted the personal circumstances Miss Watson outlined in her appeal, [PRIVATE]. However, the Committee noted that Miss Watson had provided no evidence in support of this. Furthermore, it noted that [PRIVATE].
43. Therefore, having regard to all the circumstances, the Committee determined that there were no grounds on which this appeal should be allowed. Miss Watson had failed to demonstrate that she was compliant with her obligations under the CPD Rules. The decision of the Registrar to erase her name was reached correctly in accordance with the procedural requirements of the Rules and following repeated reminders to Miss Watson of her obligations under the CPD Rules and the importance of compliance in order to maintain continued registration.
44. This appeal was accordingly dismissed.
45. Unless Miss Watson exercises her right of appeal to the court, the erasure decision will take effect upon the expiry of the 28-day appeal period. It will then be open to Miss Watson to apply for the restoration of her registration if she meets the CPD and other requirements for restoration.
46. This will be confirmed to Miss Watson in writing.
47. That concludes this determination.