

ON PAPERS**Registration Appeals Committee
(CPD Appeal)****10 June 2025****Name:** SYLVESTER, Gail-Marie**Registration number:** 146646**Case number:** CAS-209109

General Dental Council: Lauren Francis, ILAS**Registrant:** Unrepresented

Outcome: Appeal dismissed

Committee members: Val Evans (Lay, Chair)
Melissa Oura (Dentist)
Pamela Machell (Dental Care Professional)**Legal adviser:** Valerie Paterson**Committee Secretary:** Andrew Keeling

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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 Mrs Sylvester 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 Mrs Sylvester 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 Mrs Sylvester and on the papers

4. Notification of this appeal was sent to Mrs Sylvester by Recorded Delivery and secure email on 7 May 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 as outlined in the letter to Mrs Sylvester dated 7 May 2025. Having considered the documents provided, the Committee was satisfied that Mrs Sylvester had not made a request for her appeal to be heard at an oral hearing.
6. 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.

Summary of the Legal Framework

7. The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 ('the CPD Rules') set out the CPD requirements placed on Dental Care Professional 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.
8. The current CPD Rules came into force on 1 January 2018 and took effect in respect of Dental Care Professionals on 1 August 2018.
9. 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.
10. Rule 2(1) of the CPD Rules sets out the minimum number of hours of CPD a practitioner must complete within their CPD cycle.
11. 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).

12. 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.
13. 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.
14. 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.
15. 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

16. Mrs Sylvester first registered with the GDC as a Dental Care Professional, with the title Dental Nurse, on 16 May 2008. Her current period of registration started on 15 December 2023. Therefore, in accordance with Rule 1 as set out above, Mrs Sylvester's current CPD cycle began on 1 August 2023 and will end on 31 July 2028. The CPD period which has been assessed, and the evidence for which has been deemed non-compliant, and which is the subject of this appeal, is Mrs Sylvester's CPD years for the period 1 August 2022 to 31 July 2024.
17. On 22 May 2024, the GDC sent an email reminder to Mrs Sylvester's registered email address. This reminder notified Mrs Sylvester that her CPD 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 letter also reminded Mrs Sylvester of the requirement to complete at least 10 hours of verifiable CPD over the last two years. Mrs Sylvester was advised that if she did not submit a compliant statement before the deadline, her registration may be put at risk.

18. On 11 June 2024, the GDC also sent Mrs Sylvester 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 GDC is due for renewal, of the need to pay their annual retention fee and make their indemnity declaration and of the need to make their CPD statement. Mrs Sylvester was also reminded in this notice that she was required to submit her CPD statement by 28 August. Mrs Sylvester was also reminded in the Annual Renewal Notice that she was required to submit her CPD statement each year and she was also required to declare at least 10 hours of CPD for every two consecutive CPD years.
19. Between 12 June 2024 and 28 August 2024, four email reminders were sent to Mrs Sylvester's registered email address and three SMS reminders were sent to her registered mobile number reminding her to submit her CPD statement.
20. On 21 August 2024, Mrs Sylvester submitted an annual CPD statement for the 2022-2024 CPD year, declaring that she had completed five verifiable CPD hours.
21. On 25 September 2024, the GDC sent a notice under Rule 6 to Mrs Sylvester by recorded delivery to her registered address. The notice stated that, although Mrs Sylvester had submitted a CPD statement to the GDC, she had not declared enough hours to meet the requirement to complete a minimum of 10 hours of CPD over two consecutive years. It was noted that she had submitted an annual CPD statement of zero verifiable hours for the 2022-2023 CPD year and an annual CPD statement of five verifiable hours for the 2023-2024 CPD year. The notice stated that if Mrs Sylvester wished to retain her registration, she should submit her CPD record to the Registrar by 23 October 2024 in order to demonstrate that she had met the requirement. The letter provided detailed guidance on the documentary evidence required and requested that Mrs Sylvester inform the GDC if there were any reasons or exceptional circumstances that meant she was unable to submit a compliant statement this year. Mrs Sylvester was informed that if the GDC did not receive a response to the notice or if her response was unsatisfactory, she may be erased from the Dental Care Professionals' register. On 27 September 2024, a copy of the notice was also sent via email to Mrs Sylvester's registered email address.
22. On 17 October 2024, the GDC received a telephone call from Mrs Sylvester. Within the record of the call, it is noted that Mrs Sylvester explained that she might not be able to complete the CPD requirements before the deadline but will try to. The call note states Mrs Sylvester was advised to email the CPD team.
23. On 21 October 2024, the GDC received from Mrs Sylvester, an email attaching supporting documents including CPD certificates. Within the cover email, Mrs Sylvester stated that she attached her Personal Development Plan, Log Summary of Activities and Documentary Evidence.

24. On 22 October 2024, the GDC sent an email to Mrs Sylvester's email which she had submitted her evidence from. The GDC noted that the email used by Mrs Sylvester to submit her CPD evidence is not listed as the email address on her registration profile therefore the GDC is unable to verify her identity to access her file. Mrs Sylvester was asked to provide a list of information, before the GDC can respond with the relevant information.
25. On 22 October 2024, the GDC received an email from Mrs Sylvester verifying her registered email address and providing the requested information.
26. On 23 October 2024, the GDC responded to Mrs Sylvester and advised that they had received her CPD record for assessment. The email noted that it will take up to six weeks for the GDC to assess Mrs Sylvester's CPD evidence and the GDC will contact her regarding it.
27. On 5 November 2024, the GDC sent a Rule 8 notice to Mrs Sylvester's registered address by recorded delivery. This notice confirmed that Mrs Sylvester 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 and that as a result, the Registrar had made the decision to remove her name from the Dental Care Professionals' register for non-compliance with the Rules. It was noted that she had completed zero hours in 2022-2023 and five hours in 2023-2024 which is not enough to satisfy the 10 over two consecutive years requirement. It was noted that several CPD documents submitted by Mrs Sylvester were dated outside the relevant cycle years. Further, the letter noted that Mrs Sylvester had not provided the GDC any evidence of exceptional personal circumstances which may have prevented her from completing her CPD as required.
28. Mrs Sylvester was notified that unless an appeal was submitted, the Registrar's decision would take effect on 5 December 2024.

Notice of Appeal

29. On 7 November 2024, the GDC received a Notice of Appeal ("NOA") via email from Mrs Sylvester which confirmed that she wished to appeal against the decision to remove her from the Dental Care Professionals' register. Mrs Sylvester also enclosed a copy of her Rule 8 notice. Within the NOA, Mrs Sylvester did not submit any reasons regarding she why failed to meet the CPD requirements.
30. On 8 November 2024, Mrs Sylvester's CPD evidence was assessed by an Operations Officer. Mrs Sylvester was deemed to be non-compliant with her CPD requirements on the basis that she had four verifiable CPD hours outstanding for the

period 1 August 2022 to 31 July 2024. It was assessed that, as of 8 November 2024, Mrs Sylvester had completed six verifiable CPD hours between 1 August 2022 and 31 July 2024.

Further Background Information

31. A Registration Appeals Committee (RAC) initially heard Mrs Sylvester's appeal at a meeting held on the papers on 24 February 2025. The outcome of the hearing was that the case was remitted back to the Registrar. The observations of the Committee were as follows: -

'Having carefully reviewed the evidence before it, the Committee noted that Mrs Sylvester's current period of registration began on 15 December 2023. It was not clear to the Committee whether this was because Mrs Sylvester was not on the Register for a period prior to December 2023. In the circumstances, the Committee considered that clarification is required regarding Mrs Sylvester's registration status, including any periods that she was not registered and what this would have meant for her CPD obligations.'

32. Following the Committee's determination and observation, the GDC submitted the following information and clarification on the periods raised:

- a. Mrs Sylvester was removed from the register for non-payment on 2 August 2023;
- b. Mrs Sylvester restored to the register on 15 December 2023;
- c. Mrs Sylvester was off the register for a period of 4.5 months;
- d. As Mrs Sylvester was off the register for less than 12 months and not previously removed for not complying with CPD requirements, Mrs Sylvester was required to make the following declaration at the point of restoration:
 - *I have met the requirements of my most recently completed five-year CPD cycle or I have not yet completed my first CPD cycle;*
 - *I have a complete CPD record of my most recently completed five-year CPD cycle, or I have not yet completed my first CPD cycle;*
 - *I have read and understood Enhanced CPD requirements for registration;*
 - *I understand that I could be asked to submit evidence in support of the statements above, and that failure to provide evidence demonstrating compliance with CPD requirements may put my registration at risk.*

- e. As Mrs Sylvester was off the register for less than 12 months, and restored to the register under the same title, Mrs Sylvester's CPD cycle 2023 – 2028 continued.
33. On 18 March 2025, the GDC also submitted that Mrs Sylvester's CPD evidence was re-assessed by an Operations Officer. Mrs Sylvester was deemed to be non-compliant because she failed to provide sufficient evidence to demonstrate compliance with the requirement to complete 10 hours of verifiable CPD over two consecutive years. Therefore, as of 18 March 2025, Mrs Sylvester has six verifiable hours of CPD between 1 August 2022 and 31 July 2024, which is not enough to meet the Enhanced CPD requirements as there are 4 hours outstanding.

Submissions

34. In the GDC's written submissions, dated 30 January 2025, the Registrar's position was set out as follows:

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

It is submitted by the Registrar that Mrs Sylvester was reminded on numerous occasions of the need to complete her CPD hours and of the requirement to complete 10 verifiable CPD hours in each two-year period, as set out in detail above.

As set out above in the legal framework, there is no power to waive these provisions.

The Registrar submits that Mrs Sylvester would have had sufficient opportunities to complete the required CPD and further, she ought to be aware of the requirements for continued registration, which includes ongoing compliance with the CPD requirements annually and during each two-year consecutive CPD cycle.

The Registrar submits that it is a Registrant's responsibility to ensure that they meet their CPD requirements, as CPD compliance is a legal requirement of registration.

Further, Mrs Sylvester was provided sufficient opportunity to let the Council know if there were any reasons or exceptional circumstances that meant she was unable to submit a complaint statement, Mrs Sylvester did not provide any reasons prior to the erasure decision.

As of 8 November 2024, Mrs Sylvester had completed 6 verifiable CPD hours between 1 August 2022 and 31 July 2024, which clearly breaches the requirement

that dental care professionals submit evidence that they have completed a minimum of 10 verifiable CPD hours in each two-year period.

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

Further Submissions

35. Following the RAC meeting on 24 February 2025, the GDC provided further updated written submissions, dated 16 April 2025, as outlined below:

'The Registrar's position remains the same as outlined within the case summary dated 30 January 2025, namely that Mrs Sylvester is non-compliant with her CPD requirements because she has failed to provide a compliant CPD statement demonstrating she has completed 10 verifiable hours of CPD between 01 August 2022 to 31 July 2024.

Therefore, as of 18 March 2025, Mrs Sylvester remains non-compliant with the CPD requirements as she has four verifiable CPD hours outstanding for the period 01 August 2022 to 31 July 2024.

For completeness, the Registrar reiterates that Mrs Sylvester was provided sufficient opportunity to let the Council know if there were any reasons or exceptional circumstances that meant she was unable to submit a compliant statement, Mrs Sylvester did not provide any reasons prior to the erasure decision.

As such, the Registrar's position remains the same as set out at paragraphs 47 to 54 of the case summary dated 30 January 2025.

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

Committee's decision and reasons on the appeal

36. The Committee had regard to the documentary evidence provided today and took account of the written representations made by the GDC and Mrs Sylvester'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).
37. The first consideration for the Committee was whether Mrs Sylvester 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 to 31 July 2024.

38. Having carefully reviewed the CPD records which Mrs Sylvester submitted, the Committee determined that she completed six verifiable hours of CPD within the period, 1 August 2022 to 31 July 2024. This was consistent with the Registrar's assessment that Mrs Sylvester was four hours short in the relevant period. Therefore, the Committee determined that Mrs Sylvester is not compliant with her statutory obligations under the CPD Rules.
39. The Committee was satisfied that the required notices had been duly served on Mrs Sylvester 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.
40. 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.
41. The Committee considered the further information provided by the GDC following the RAC meeting on 24 February 2025. It noted the GDC's explanation in respect of Mrs Sylvester's period off the register in 2024 and that this did not affect her obligation to comply with her CPD requirements during the relevant period. The Committee further noted that no reasons or exceptional circumstances were put forward in mitigation by Mrs Sylvester for her non-compliance with the CPD requirements.
42. Therefore, having regard to all the circumstances, the Committee determined that there were no grounds on which this appeal should be allowed. Mrs Sylvester 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 Mrs Sylvester of her obligations under the CPD Rules and the importance of compliance in order to maintain continued registration.
43. This appeal was accordingly dismissed.
44. Unless Mrs Sylvester 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 Mrs Sylvester to apply for the restoration of her registration if she meets the CPD and other requirements for restoration.
45. This will be confirmed to Mrs Sylvester in writing.

46. That concludes this determination.