

**PUBLIC DETERMINATION  
ON PAPERS****Registration Appeals Committee  
CPD Appeal****28 April 2025**

**Name:** WALDEN, Lukas  
**Registration number:** 282730  
**Case number:** CAS-209519-W7P4K7

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**General Dental Council:** Not present. Needa Bhatti of IHLAS.

**Registrant:** Not present. Not represented.

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**Outcome:** Appeal dismissed

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**Committee members:** Helen Wagner (Chair, Lay member)  
Melissa Oura (Dentist member)  
Samantha Vowles (DCP member)

**Legal adviser:** Kenneth Hamer

**Committee Secretary:** Paul Carson

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1. Mr Walden is a registered dental technician who appeals against the decision of the registrar to erase his name from the DCP register for non-compliance with his Continuing Professional Development (CPD) requirement.
2. The Committee met remotely today using Microsoft Teams and considered the appeal on the papers, as neither party had requested an oral hearing and the Committee considered that it would be desirable to determine the appeal without one. The Committee was satisfied that the Hearings Director had served notification of this meeting on the parties with at least 28 days' notice in accordance with Rules 5(2) and 5(3) of the General Dental Council (Registration Appeals) Rules 2006.

### *Background*

3. Mr Walden first registered with the GDC as a dental technician on 23 April 2021. His relevant CPD cycle ran from 1 August 2019 to 31 July 2024. In accordance with the General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 (the "Rules"), he was required to complete a minimum of 50 hours of CPD activity over the CPD cycle (Rule 2(1)), with at least 10 hours to be completed during each period of two consecutive CPD years (running 1 August to 31 July) within that cycle (Rule 2(5)(b)). This includes any two-year period which spans more than one CPD cycle.
4. Rule 2(6) of the Rules provides that CPD activity must be verifiable, with documentary evidence from the provider confirming, among other things, the subjects, learning content, aims, objectives and anticipated learning outcomes of the CPD and the date that the CPD was undertaken. Confirmation must also be provided that the CPD activity is subject to prescribed quality assurance measures.
5. In accordance with Rule 3(1) of the Rules, Mr Walden was required to keep a log of all the CPD that he planned to undertake and had undertaken during the CPD cycle. Rule 4(1) required him to submit an annual statement of his CPD activity to the registrar within 28 days of the end of each CPD year stating the hours which had been undertaken for that year, with the annual statement submitted in the final year of the CPD cycle also to include the total number of hours which had been undertaken during the cycle (Rule 4(2)).
6. Rules 6 and 7 of the Rules 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.
7. Rule 8 of the Rules 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 or other related obligations under the Rules.
8. A decision of the registrar to erase under Rule 8 is an appealable decision under paragraph 2(1)(h) of Schedule 4A to the Dentists Act 1984. In accordance with paragraph 4(5) of that Schedule, erasure shall not take effect until after the disposal of the appeal proceedings.

9. Between 22 May 2024 and 28 August 2024, the GDC sent Mr Walden various automated reminders by email, post and SMS message relating to the annual renewal of his registration and his End of Cycle CPD statement, which he was required to submit by 28 August 2024. Mr Walden was reminded of the number of CPD hours which he would need to demonstrate in respect of his CPD cycle, including the need to demonstrate at least 10 hours within each consecutive two CPD year period.

10. On 25 September 2024, the GDC wrote to Mr Walden under Rule 6 of the Rules to state:

*'Thank you for submitting your CPD statement this year. However, our records show that you have not declared enough hours to meet the requirement of completing a minimum of 10 hours of CPD over two consecutive years. This puts your registration and ability to practise at risk.'*

*You had previously submitted a 2022-2023 CPD Annual statement of 0 verifiable hours and you have recently submitted a 2023-2024 CPD statement of 0 verifiable hours.'*

11. On 22 October 2024, Mr Walden wrote to the GDC with a copy of his CPD record. In his letter he set out the following:

- He had recently moved from being employed to setting up his own dental laboratory. He had not previously been responsible for managing his own registration and thus was unaware that he was required to undertake a minimum of 10 hours of CPD across each consecutive two years. Mr Walden mistakenly assumed he had met his CPD requirements as he had completed 60 hours of CPD within his five-year CPD cycle.
- He acknowledged that it was his responsibility to meet his CPD requirements. Also, he understood that the CPD requirements set by the Council were important to professional development and patient safety.
- He gave an assurance that he would not repeat his mistake. To rectify his mistake, he had undertaken 10 hours of CPD and enclosed evidence of this together with a copy of his Personal Development Plan and Activity Log.
- Mr Walden's removal from the dental care professionals' register would be detrimental to his new business. Mr Walden had always strived to provide a high standard of service to his customers.
- Mr Walden had thus far been unable to provide a copy of his prior CPD record due to his change of employment, however, was currently attempting to retrieve these.
- Within his near 10-year period of registration with the Council, Mr Walden had always met his professional and CPD requirements and hoped that he would not be removed from the register. He hoped that the evidence provided showed that he would not repeat his mistake.

12. On 05 November 2024, the GDC wrote to Mr Walden under Rule 8 of the Rules to state:

*'Further to our letter dated 25 September 2024, you have failed to provide a compliant CPD record demonstrating that you have met the minimum requirement for the period 1 August 2022 – 31 July 2024. As a result, the Registrar is not satisfied that you have complied with the rules.*

*Your evidence demonstrates that you have completed 0 hours of verifiable CPD between 1 August 2022 – 31 July 2023 and 0 hours of verifiable CPD between 1 August 2023 – 31 July 2024. This is not enough to meet your CPD requirements to complete a minimum of 10 hours of verifiable CPD for every two consecutive CPD year period.*

*Your CPD remains deficient because:*

- You are 10 verifiable CPD hours outstanding*
- You have not completed a PDP and an Activity Log.*
- x11 E - CPD Supplement Certificates are all dated outside the cycle requested.*

*We have considered the evidence provided namely letter dated, email dated and attachments, medical evidence. [sic] We have applied the Guidance on the Registrar's Discretion to erase for CPD Noncompliance.*

*We have identified the following factors:*

- 1. The events you have described were not exceptional personal circumstances beyond your control.*
- 2. Notwithstanding your circumstances, you have been able to continue working as a dental professional.*
- 3. The CPD you have completed since the timeframe under consideration is not relevant.*

*The Registrar has therefore made the decision to remove your name from the dental care professional register for non-compliance with the General Dental Council's CPD requirement.'*

13. The Committee noted that the reference in the Rule 8 notice to *'the evidence provided namely letter dated, email dated and attachments, medical evidence'* appears to be a "cut and paste" error, as this is not a case where Mr Walden had provided supporting evidence or had otherwise referred to matters relating to his health where 'medical evidence' might be relevant.

#### *The appeal*

14. On 2 December 2024, Mr Walden lodged a notice of appeal against the registrar's decision. In his notice of appeal, he stated that he acknowledged that it was his responsibility to meet his CPD requirements. However, due to unexpected professional reasons and leaving his prior employment to set up a new dental laboratory he had lost much important information. He stated that this situation was an isolated instance, and he had always prioritised meeting his professional development requirements. He stated that he had taken immediate action to address the shortfall in his CPD by undertaking 10 hours of CPD. He had also begun to complete the outstanding areas within his personal Development Plan; this information had been missing due to a

change in his employment. He stated that he was committed to meeting his CPD requirements in the future. He requested an opportunity to rectify his situation. He understood the importance of CPD in maintaining professional standards and was committed to upholding these professional standards in the future.

15. The GDC assessed Mr Walden's notice of appeal on 3 December 2024 in terms of his CPD record and determined that he remains non-compliant, stating:

*'Reasons the CPD evidence is non-compliant are:*

- *Mr Lukas Walden is outstanding 10 verifiable CPD hours.*
- *An Activity Log was not provided.*
- *11 x DLA certificates are dated between 01 August 2024 – 31 July 2025 cycle year and are outside the cycle dates requested.*

*As of 03 December 2024, Mr Lukas Walden has completed 0 hours of verifiable CPD, this is not enough to meet the Enhanced CPD requirements to submit 10 hours of CPD over 2 consecutive years for the years 1 August 2022 to 31 July 2024.*

*Mr Lukas Walden must provide a further 10 hours of verifiable CPD evidence for the years 1 August 2022 to 31 July 2024.'*

16. The registrar's position in response to the appeal is that Mr Walden is therefore non-compliant with this CPD requirement, that it was his responsibility to be aware of his CPD requirement and to comply with it and that *'It is open to Mr Walden to apply to restore his registration at any time following this appeal'*.

### *Decision*

17. The Committee accepted the advice of the Legal Adviser.
18. The first consideration for the Committee was whether Mr Walden had complied with his CPD requirement by completing at least 10 hours of CPD for the two-year period 1 August 2022 to 31 July 2024. The Committee is in agreement with the assessment of the registrar that Mr Walden demonstrates 0 hours of CPD during that period. There is therefore a shortfall of 10 hours of CPD. Whilst Mr Walden appears to have completed approximately 60 hours of CPD during his CPD cycle, exceeding the 50 hour minimum requirement, he has not demonstrated any evidence of CPD undertaken during the last two-years of his cycle, which is in breach of the requirement that he completes at least 10 hours of CPD for each two-year period.
19. The Committee acknowledges that he has since attempted to comply with the requirement by now completing 10 hours of CPD. However, these hours cannot be taken into account as they were not completed within the two-year period under consideration. Mr Walden had not otherwise applied for a period of grace prior to the expiry of that period, notwithstanding being notified by the GDC of his ability to do so. Had he applied for a period of grace then those additional hours might have been taken into account.
20. Accordingly, the Committee determined that Mr Walden is not-compliant with his CPD requirement, as he had failed to complete at least 10 hours of CPD for the period 1

August 2022 to 31 July 2024 and had not otherwise applied for a period of grace before the expiry of that period within which to complete any shortfall in hours.

21. The Committee next considered the permissive terms of Rule 8 of the Rules, which confer a discretion on the registrar in relation to erasure: whilst the CPD requirement itself is mandatory, enforcing that requirement by erasing a non-compliant practitioner is a matter of discretion. The question of proportionality therefore arises. In considering this question, the Committee had regard to the GDC's *Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance* (February 2024) (the "Guidance").
22. 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 public protection and maintaining wider public confidence in the profession, so as to meet the overarching objective of the GDC under section 1 of the Act.
23. In the Committee's judgement, the decision to erase was consistent with the Guidance and is in any event proportionate in all the circumstances. Mr Walden was in breach of the requirement to complete 10 hours of CPD during the two-year period under consideration to provide evidence of this. This was neither a marginal nor technical shortfall in hours. It was his responsibility to be familiar with his CPD requirement and to comply with it. It was also his responsibility to give priority to completing his CPD as a condition of continued registration.
24. Having regard to all the circumstances, the Committee determined that there are no grounds on which this appeal could be allowed. Mr Walden had failed to demonstrate that he was compliant with his CPD requirement. The decision of the registrar to erase his name was proportionate and was reached correctly in accordance with the procedural requirements of the Rules and following repeated reminders to him of his CPD requirement and the importance of compliance to maintain continued registration.
25. This appeal must therefore fail and is dismissed. Unless Mr Walden exercises his right of appeal to the court, the erasure decision shall take effect upon the expiry of the 28-day appeal period. It will then be open to him to apply for the restoration of his registration if he meets the CPD and other requirements for restoration.
26. That concludes this determination.