

## ON PAPERS

### Registration Appeals Committee (Restoration Appeal)

21 March 2025

**Name:** FERREIRA, Etienne

**Case number:** CAS-209251-G5B6Z7

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**General Dental Council:** Harriet Goodhew, ILAS

**Registrant:** Unrepresented

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**Outcome:** Remitted back to the Registrar

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**Committee members:** Peter Watson (Chair, Lay Member)  
Sulaman Anwar (Dentist Member)  
Stephanie Carter (DCP Member)

**Legal Adviser:** Alastair McFarlane

**Committee Secretary:** Lola Bird

1. This is an appeal before the Registration Appeals Committee. The appeal is against the decision of the Registrar of the General Dental Council (GDC) not to restore Mr Ferreira's registration as a dentist in the UK. Mr Ferreira's name was removed from the dentists register in January 2024 for non-payment of the Annual Retention Fee.
2. The appeal is being 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 2A of the *Dentists Act 1984 (as amended)* ('the Dentists Act').
3. The proceedings are being conducted remotely by Microsoft Teams video-link.

### **Decision to conduct the appeal in the absence of the appellant and on the papers**

4. Neither party was present today, following their agreement that the appeal could be considered on the papers. In the absence of both parties, the Committee first considered whether Mr Ferreira was notified of these proceedings in accordance with the Registration Appeal Rules.
5. The Committee noted that notification of this appeal was sent to Mr Ferreira by Recorded Delivery and by secure email on 17 February 2025 in accordance with Rule 5 of the Registration Appeal Rules. A copy of the convening notice was also sent to him by email on 20 February 2025. The Committee was satisfied on the basis of this information that Mr Ferreira was duly notified of this appeal.
6. The Committee next considered whether to proceed in the absence of Mr Ferreira and on the papers. It took into account that under Rule 4 of the Registration Appeal Rules, an appeal may be determined without a hearing by way of a meeting, and that both parties have agreed to this approach. In particular, the Committee noted the email from Mr Ferreira, dated 18 February 2025, in which he confirmed to the Dental Professionals Hearings Service, "*Yes I am content that you can proceed with the appeal on 21 March 2025, without my attendance*".
7. The Committee was satisfied on the information before it that Mr Ferreira's absence today is voluntary. It noted that the bundle of documents and case summary that the Committee would be considering were sent to Mr Ferreira by Recorded Delivery and secure email on 17 February 2025.
8. In all the circumstances, and after accepting the advice of the independent Legal Adviser present at these proceedings, 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 and appeal background**

9. The Committee had regard to the relevant legal framework and background to the appeal, as set out in the case summary provided by the GDC dated 21 January 2025.
10. Section 15 of the Dentists Act sets out the requirements for qualification for registration in the dentists register. Section 15(3)(a) states that:

A person shall not be entitled to be registered in the dentists register unless he satisfies the registrar as to the following matters, namely—

- (a) his identity;
- (b) that he is of good character; ...
- (ba) that he has the necessary knowledge of English; and
- (c) that he is in good health, both physically and mentally.

11. The sole matter being considered at this appeal is whether Mr Ferreira has the necessary knowledge of English for the restoration of his registration, as required by section 15(3)(ba).

12. Section 53(1) of the Dentists Act defines *‘the necessary knowledge of English’* for a dentist registrant as the:

*(a)...knowledge of English which, in the interests of the person and the person's patients, is necessary for the practice of dentistry in the United Kingdom.*

13. In accordance with section 15A of the Dentists Act, the GDC has published guidance entitled *‘Evidence of English language competence: Guidance for applicants’* (July 2017). This guidance states at paragraphs 2 and 3 that:

*“You must be sufficiently fluent in written and spoken English to communicate effectively with patients, their relatives, the dental team and other healthcare professionals in the United Kingdom.*

*The Standards for the Dental Team also highlight the need for dental professionals to be able to document their work clearly and accurately. If dental professionals do not have the necessary knowledge of English, they are unlikely to fulfil these requirements. Communication is speaking, reading, writing and listening”.*

14. The guidance also provides the following at paragraphs 19 and 20:

*“If you have been registered by the GDC and then you leave the register for whatever reason, including if you have failed to pay the Annual Retention Fee, we must be satisfied that you have the necessary knowledge of English before we can restore your name to the register. In these circumstances, we will apply the criteria for determining whether you have the necessary knowledge of English which is set out in this guidance.*

*If you are a UK-qualified applicant returning to the register, you may not need to provide additional evidence or information if we are satisfied about your knowledge of English from your application”.*

15. The guidance further sets out the following evidence that the GDC may accept as demonstrating that a dental professional has the necessary knowledge of English:

- a) a certificate in the International English Language Testing System (IELTS) exam with an overall average score of 7 (and no less than a minimum of 6.5 in any of the modules). The GDC may accept IELTS test scores that are more than two years old if evidence can be provided that the applicant's language skills have not deteriorated in that time.
- b) evidence that the applicant has a primary dental qualification that has been taught and examined in English. Recent is defined as no more than two years old, and 75% of the applicant's clinical interaction must have been conducted in English. Where a primary dental qualification is not recent, the Council may ask for evidence that dentistry has been practised for the preceding two years in a country where English is the first and native language.
- c) a recent pass in a language test for registration with a regulatory authority in a country where the first and native language is English. Recent is defined as no more than two years' old. If the pass is not recent, the Council may ask for evidence that dentistry has been practised for the preceding two years in a country where English is the first and native language.
- d) recent experience of practising in a country where the first and native language is English. Recent is defined as no more than two years' old.

16. By way of background, Mr Ferreira submitted an application for restoration to the GDC on 19 June 2024. As part of that application, he was required to satisfy the Council that he met the requirements for re-registration, including that he had the necessary knowledge of English.

17. It was noted that in the English Language section of his application for restoration, Mr Ferreira did not provide any of the listed forms of evidence specified in the GDC's guidance. Instead, he stated the following:

*"Worked for 15 years in the UK and hold British Citizenship. I unfortunately missed the payment for my 2023 registration as I have been practicing [sic] in South Africa for the past few years".*

18. On 13 September 2024, the GDC sent an email to Mr Ferreira informing him that he would need to provide evidence of English language proficiency because:

*"All applicants applying for restoration to the register are required to meet the GDC's English Language controls, which were introduced in April 2016. As your first registration date was prior to these requirements, you are required to satisfy them at this point.*

*Despite living and working in the UK for 15 years, because you have been practising in South Africa for the past few years you are required to take an academic International English Language Testing System (IELTS) examination".*

19. On 16 September 2024, Mr Ferreira responded to the GDC to query the requirement, and further communications were exchanged in relation to the matter. Mr Ferreira also provided further documentation for the GDC's consideration including a structured reference from a colleague.

20. On 10 October 2024, Mr Ferreira provided the GDC with an IELTS examination certificate showing that he had received scores of 7.0, 6.5, 6.0, 8.5 and an overall band score of 7.0. Based on the Council's English language guidance, this result failed to meet the minimum requirements for the writing section, because the minimum required score for each section is 6.5.

21. On 16 October 2024, the GDC wrote to Mr Ferreira to decline his application for the restoration of his registration. Mr Ferreira was informed that:

- a. The Registrar must be satisfied that you have the necessary knowledge of English, and this is why they had requested an IELTS certificate, as IELTS is designed to be a fair and objective measure of English language ability.
- b. You have not satisfied the requisite knowledge of English to practise as a member of the dentistry profession because:
  - i. South Africa was not on the exemptions list, and you do not have recent experience of working in a country where the first and native language was English.
  - ii. Your IELTS scores did not meet the minimum of 6.5 in each section.

22. Mr Ferreira was advised of his right to appeal the Registrar's decision.

### **The appeal**

23. On 13 November 2024, Mr Ferreira filed a Notice of Appeal (NOA). In his NOA, he explained that he had been on the GDC's register since 2000, and that he had practised for more than 15 years with a dental practice in the UK. Mr Ferreira further explained that for the past several years, he had continued his practice full time in South Africa, where he was the owner and principal dentist of a practice.

24. Mr Ferreira further stated that: *"I am fully CPD-compliant, registered with the Health Professions Council of South Africa (HPCSA), and have maintained a high standard of practice throughout my career. Additionally, I have met the required language proficiency standards, achieving an average score of 7 points on the [I]ELTS. I have also obtained 3 post graduate diplomas, one being obtained at UCL Eastman Dental Institute in the United Kingdom. With a clean professional record and no cases pending against me, I kindly request that my application for re-registration be considered. I am committed to maintaining the standards of the profession and would be grateful for the opportunity to continue my contributions"*.

25. In its written submissions made on behalf of the Registrar, which are set out in the case summary of 21 January 2025, the GDC states as follows in respect of Mr Ferreira's appeal:

*"...the Council has carefully considered the totality of the information provided. This includes the information included in the original restoration application, the structured reference, the*

*appellant's IELTS scores, and his NOA. The Council notes that the requirement to satisfy the English language requirements upon restoration serves an important purpose as part of ensuring registered dentists and DCPs are able to practise safely. However, stepping back, the Council accepts the appellant has demonstrated he has the necessary knowledge of English required for registration as a dentist under section 15. The Council accordingly considers the evidence establishes that the appellant is:*

*...sufficiently fluent in written and spoken English to communicate effectively with patient, their relatives, the dental team and other healthcare professionals in the United Kingdom.*

*The Council notes that ultimately the Appeal Committee must make its own determination based on the information before it. For the avoidance of doubt, the Council formally concedes the appeal and invites the Committee to remit the matter back to the Registrar to process the final steps Appellant's application for restoration (on the basis that the English language component has been satisfied)".*

### **The Committee's decision on the appeal**

26. The Committee considered all the documentation provided in relation to this appeal, including Mr Ferreira's NOA. It also had regard to the written submissions provided by the GDC on behalf of the Registrar. The Committee heard and accepted the advice of the independent Legal Adviser present at these proceedings.

27. In reaching its decision, the Committee took into account the evidence that Mr Ferreira fell short of one aspect of his IELTS examination taken in October 2024, in that he did not meet the minimum requirement of 6.5 in the writing section. However, the Committee also took into account that, prior to being removed from the dentists register in January 2024, Mr Ferreira had practised in the UK for some 15 years with no evidence of any concerns about his English language skills. He also has a postgraduate qualification obtained in the UK which, in the Committee's view, supports a good knowledge of the English Language. In addition, the Committee considered that the evidence of Mr Ferreira's engagement with this appeal process, including his communications with the GDC and his submissions within his NOA, further indicate that he has a good standard of English.

28. Having had regard to all the evidence, the Committee was satisfied that Mr Ferreira does have the necessary knowledge of English as required by section 15(3)(ba) of the Dentists Act.

29. Given that the only matter for consideration at this appeal was whether Mr Ferreira has the necessary knowledge of English for re-registration, and the Committee has determined that he has such knowledge, his appeal is successful.

30. However, the Committee noted from the GDC's written submissions that final steps in relation to Mr Ferreira's application for registration need to be processed. In these circumstances, the Committee remits this case back to the Registrar for any outstanding matters to be addressed. The Committee does so on the basis that the English language component of Mr Ferreira's application has been satisfied.

31. That concludes this determination.