

GDC CPD: avoiding erasure for non-compliance

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Introduction

This article will explore the Continuous Professional Development (“CPD”) requirements prescribed by the General Dental Council (the “GDC”) for Dentists and Dental Professionals, examine the procedure adopted in the event of non-compliance, and provide pointers for Practitioners seeking to avoid erasure from the register.

The CPD requirements

The applicable CPD obligations are set out within *The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules Order of Council 2017* (“the CPD Rules”). Namely:

“ 2. (1) For each CPD cycle, a practitioner must complete the minimum number of hours of CPD determined in accordance with the following table -

Table

<i>Column 1</i>	<i>Column 2</i>
<i>Title</i>	<i>Minimum hours of CPD per cycle</i>
Dentists	100
Dental therapists	75
Dental hygienists	75
Orthodontic therapists	75
Clinical dental technicians	75
Dental nurses	50
Dental technicians	50

...(5) In completing the minimum number of hours required under paragraph (1)—

(b) a practitioner who is not a temporary registrant must 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).”

The Registrar has the power to erase a Practitioner from the register in the event of non-compliance with the CPD requirements. This power is set out at section 8 of the CPD Rules which states:

“The registrar may erase the practitioner’s name from the register or, in the case of a dental care professional, any of the titles under which the dental care professional is registered if—

(a) the registrar—

(i) has not received from the practitioner any representations or written evidence in response to the notice sent under rule 6 within the time limit specified by virtue of paragraph (1)(c) of that rule, or

(ii) having considered any written representations or written evidence submitted by the practitioner in response to the notice sent under that rule, is not satisfied that the practitioner has met the requirements under rules 2, 3, 13 or 14 (as the case may be);

(b) the practitioner has failed to comply with a notice sent under rule 7 within the time limit specified by virtue of paragraph (2)(b) of that rule(a).”

The Practitioner has the right to appeal a decision to remove their name from the register to the Registration Appeals Committee (see Schedules 2A and 4A of the Dentists Act 1984). The disposals available on appeal are:

- *dismiss the appeal;*
- *allow the appeal and quash the decision appealed against;*
- *substitute for the decision appealed against any other decision which could have been made by the registrar; or*
- *remit the case to the registrar to dispose of in accordance with the directions of the Registration Appeals Committee.*

The applicable procedure for the appeal is set out within *The General Dental Council (Registration Appeals) Rules Order of Council 2006*.

There is a further right of appeal from the Registration Appeals Committee to the County Court.

How to avoid erasure?

It is important to note that the Registrar has the **power** to erase a Practitioner from the register for non-compliance. This is clear from the drafting of section 8 of the CPD rules, namely the use of “*may*” not *must* or *shall*. As such, it is vital to ensure that the compulsory obligation to complete the relevant CPD (an obligation for which this is no statutory exception and cannot be waived), is not confused or conflated with the *discretionary* power of the Registrar to remove a Practitioner’s name from the register for non-compliance.

In circumstances where a discretion exists, it must follow that it is actually exercised (i.e. that erasure is not automatic or guaranteed), and exercised fairly. In order for this to be achieved, general principles of proportionality will apply to the decision-making process; a disproportionate decision will be inherently unfair.

On receipt of notice that their CPD is non-compliant, a Practitioner should immediately obtain legal advice. Assuming that it is accepted by the Practitioner that they have in fact failed to satisfy the CPD requirements, they should consider providing the Registrar with a full explanation (with supporting evidence) for why they failed to complete the necessary CPD and set out any other factors that may be relevant to the fairness and proportionality of removing their name from the register (such as a long and unblemished career, any relevant personal difficulties, and the impact of erasure on themselves and others etc.).

If the Registrar proceeds to erasure, the Practitioner should proceed to gather any additional evidence in support of their case as a matter of urgency and ensure that a complete notice of appeal is served in time. Whilst the Registration Appeals Committee will consider new material that was not provided to the Registrar at the time of the original decision, it will be persuasive for a Practitioner to point to arguments that have been raised from the outset and support the impression of an unfair process that led to a decision that was **wrong** and should be departed from by the Registration Appeals Committee.

Other options?

Should the Practitioner be unsuccessful in appealing to the Registration Appeals Committee, they may wish to consider either a further appeal to the County Court, or an application for restoration to the register pursuant to sections 10 and 11 of the CPD Rules.

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