

## Hearing held in public

### Summary

<b>Name:</b>	<b>TRIVEDY, Chetan</b>
<b>Type of case:</b>	<b>Registration Appeals Committee</b>
<b>Outcome:</b>	<b>Appeal Dismissed</b>
<b>Duration:</b>	<b>N/A</b>
<b>Date:</b>	<b>18 September 2019</b>

Dr Trivedy

You are in attendance at this appeal hearing before the Registration Appeals Committee. You are not represented. Ms Jennifer Stewart of the GDC's In-House Appeals and Criminal Enforcement Service appears for the Council.

### **Purpose of hearing**

This appeal hearing has been convened in accordance with the General Dental Council (Registration Appeals) Rules 2006 ('the Appeal Rules'), pursuant to Schedule 4A of the Dentists Act 1984 (as amended) ('the Act'). The purpose of the hearing is to consider your appeal against the decision taken by the Registrar not to grant your application for restoration to the register as a dentist.

### **Background to the appeal**

The Registrar's decision to refuse restoration to the register was made in accordance with paragraph 2(1)(d) of Schedule 2A to the Act, and your appeal was made pursuant to paragraph 4(1) of Schedule 2A of the Act.

On 4 January 2019 your name was removed from the register because you had not paid the annual retention fee (ARF) at the required time. On 24 January 2019 the GDC received your application to be restored to the register, and the GDC requested that you provide evidence of your continuing professional development (CPD) so that it could determine whether your name should be restored to the register.

The GDC assessed the evidence of CPD that you subsequently provided in accordance with the provisions of Rule 10 and Rule 11 of the General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules 2017 ('CPD Rules'). The GDC specifically considered that you had provided zero hours' worth of evidence of verifiable CPD undertaken in 2017, when 15 hours' worth was required, and that you had provided zero hours' worth of CPD for the following year, namely 2018, when 20 hours' worth of CPD was required. The GDC determined that you had not met the relevant requirements relating to CPD. As such, the Registrar refused your application to restore your name to the dentists' register in accordance with the provisions of the CPD Rules. You appealed against this decision, and your appeal has led to today's hearing.

### **Committee's consideration**

In considering this appeal the Committee has taken into account all the oral and written evidence and information provided to it. It has also taken into account the submissions made by you and by Ms Stewart. The Committee has accepted the advice of the Legal Adviser.

The Committee's powers when considering such appeals are set out at paragraph 4(8) of Schedule 2A of the Act. The Committee may, in short, decide to dismiss the appeal; allow the appeal and thereby quash the decision that you have appealed against; substitute for the decision appealed against any other decision that the Registrar could have made; or remit the case to the Registrar for disposal in accordance with any directions that the Committee may wish to give.

### **Submissions**

On behalf of the GDC Ms Stewart summarised the position of the Registrar, namely that you have not provided evidence of sufficient verifiable CPD. Ms Stewart submitted that you are a total of 35 hours short of the requirements. Ms Stewart submitted that the GDC no longer takes issue with your non-verifiable CPD. The GDC's position is that your verifiable CPD remains insufficient for your name to be restored to the register, and Ms Stewart therefore invited the Committee to dismiss the appeal.

You submitted that you seek to restore your name to the register. You stated that you have undertaken and delivered a considerable amount of high-quality CPD which you characterised as being relevant to and commensurate with your particular area of dental practice. You stated that your work should in your view count as CPD, but you conceded that you are not able to produce certificates for verification purposes. You stated that you question the worth and relevance of some CPD which is capable of being verified by way of certificates, stating that you have not done those courses as they are 'not fit for purpose' given your learning needs. You stated that instead the ongoing learning that you have taken is more appropriate to your experience and expertise, and should be recognised by the GDC. You submitted that the CPD process should be a meaningful experience rather than a 'tick box' exercise. You argued that the GDC should adopt 'alternative ways of doing CPD'. You also submitted that you are reluctant to undertake the types of CPD that the GDC recognises as verifiable CPD as you do not consider that to do so would be a suitable use of your time and would not meet your particular learning needs. You expressed some frustration with your CPD having not been recognised by the GDC, and that if it should not prove possible for the work that you have done to be considered by the GDC to be verifiable CPD, you would work actively to comply with any direction made to require your compliance with the rules concerning CPD.

### **Committee's decision**

The Committee has decided to dismiss your appeal.

Your entry on the register was contingent on you meeting the GDC's requirements, and because you did not meet one of those requirements, namely the payment of your ARF, you were removed from the register. Whilst you are actively engaged in delivering education in specific areas of dental practice, the Committee considers that the evidence and information that has been provided to it is not sufficient for it to find that you have complied with the GDC's legal requirements for verifiable CPD in connection with your application to be restored to the register. The Committee considers that you have had a considerable amount of time, both before and after your removal from the register, to undertake appropriate and verifiable CPD. You have been given advice, information and assistance by the GDC in that regard. In short, you have not complied with the CPD requirements for restoration to the register, and it therefore follows that your name should not be restored.

The Committee also finds that the information that you have provided is not sufficient for it to instead determine that the matter should be remitted back to the Registrar. The GDC has engaged with you positively and purposefully since your removal from the Register to make the CPD requirements clear to you, including careful consideration and discussion of the CPD work that you have undertaken. The Committee considers that there would be little to be gained by remitting the case back to the Registrar.

For the reasons set out above the Committee hereby dismisses your appeal.

**Right of appeal**

You may appeal against this decision to the county court in accordance with paragraph 6 of Schedule 2A to the Act.

That concludes this determination.