

Hearing held in public

Summary

Name:	CHAWARE, Shital Krishna [Contact number: 11271471]
Type of case:	Registration Appeal Committee (initial)
Outcome:	Appeal Dismissed
Date:	8 January 2020

Mrs Chaware,

This is a Registration Appeal Committee convened to consider your appeal against the decision of the Registrar of the General Dental Council (GDC) that you are not currently eligible for registration as a dentist in the UK.

The Committee has carefully considered your appeal. It has taken account of the submissions made by Ms Stewart on behalf of the Council and those made by Ms Aly on your behalf. The Committee also carefully considered your oral evidence. It accepted the advice of the Professional Adviser and the Legal Adviser.

The Committee noted that it is accepted by the Registrar that you are an exempt person under section 53(1)(c) of the Dentists Act 1984, as amended, ('the Act') as you are a UK national who is entitled to be treated as an exempt person by virtue of an enforceable community right.

Section 15 of the Act sets out the requirements for qualification for registration in the dentists register. Section 15(1) states that the following persons shall be entitled to be registered:

- (a) *any person who is a graduate or licentiate in dentistry of a dental authority;*
- (b) *any exempt person who holds an appropriate European Diploma;*
- (ba) *any exempt person:*
 - (i) *whose case falls within regulation 3(9)(a) or (e) of the General Systems Regulations,*
 - (ii) *to whom regulations 20 to 26 of those Regulations apply by reason of operation of regulation 3(4) of those Regulations, and*
 - (iii) *who is permitted to pursue the profession of dentistry in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those Regulations); and*
- (c) **any person who holds a recognised overseas diploma.**

2. Section 15(2) states:

"In sub-section (1) above-

“appropriate European diploma” shall be construed in accordance with Schedule 2 to this Act;

and in this Act “recognised overseas diploma” means a diploma granted in a country overseas and recognised for the time being by the Council for the purposes of this Act and does not include an appropriate European Diploma.”

You obtained your Primary Dental Qualification in India at the Sharad Pawar Dental College at Nagpur University. Therefore, the Council is satisfied that you hold a recognised overseas diploma as mentioned in Section 15(1)(c) of the Act.

Section 15(4) of the Act states that a person shall not be entitled to be registered on the dentists register under (c) above, unless they satisfy the registrar of the following matters, namely-

- (a) *Their identity;*
- (b) *that they are of good character;*
- (c) ***that they have the requisite knowledge and skill;***
- (d) *that they have the necessary knowledge of English; and*
- (e) *that he is in good health, both physically and mentally.*

The application had not been assessed under 16(2A) because it was considered that your dental qualification was not evidence of dental training that meets the requirements of Article 34 of the Directive, therefore the GDC were unable to determine that you had the requisite knowledge and skill under 16(2B). The information admissible under Section 16(2A) cannot be relied upon unless your dental qualification meets the requirements of Article 34 of the European Directive in basic dental training. Had your primary dental training been accepted under 16(2B), the GDC would have then considered that information under section 16(2A) in order to establish whether you had the requisite knowledge and skill for the purposes of section 15(4)(c).

Three assessors formed a Registration Assessment Panel on 13 May 2019 and conducted an assessment of your application. The conclusion of the assessors was that they were unable to recommend you for registration as you had not demonstrated the knowledge and skill for registration. The primary qualification appeared to be a four-year programme of study. There was a one-year internship but there was limited information regarding that year. Also, the syllabus does not contain sufficient details to facilitate the completion of all sections of the comparison table.

The Council wrote to you on 23 May 2019 to advise that based on the documentation provided, the Council could not be assured that your basic dental training contained *‘suitable clinical experience under appropriate supervision’* that would *‘provide her with the skills necessary for carrying out all activities involving the prevention, diagnosis and treatment of anomalies and diseases of the teeth, mouth, jaws and associated tissues.’*

The Registration Appeals Committee’s powers are set out in paragraph 4(8) of Schedule 2A to the Dentists Act 1984, as amended (“the Act”). It provides that the Registration Appeals Committee may determine to:

- (a) dismiss the appeal;

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

The Committee notes that, other than the requirement under section 15(4)(c), the Registrar is satisfied that the other requirements for registration on the dentists register have been met. Section 15(4)(c) requires you to satisfy the Council that you have the requisite knowledge and skill.

The Decision

The Committee heard oral evidence from you on this matter and finds your evidence credible.

The first matter under consideration in this appeal is whether your primary dental degree meets the criteria laid out in Annex V point 5.3.1 of Directive 2005/36/EC both in content and duration and, by virtue of this, whether you have the requisite knowledge and skill under section 15(4)(c) of the Act.

In order to consider this the Committee had to determine whether your internship formed part of your dental qualification. The Committee noted the advice of the Professional Adviser on this matter who stated that the internship was mandatory as part of your degree and as such should be taken into account when determining whether this dental qualification meets the requirements of Article 34 of the Directive. It considered that on the information before it, the internship should be considered part of your primary dental qualification.

The Committee noted that in Section 16(2B) there was no definition of the term 'dental qualification'. In reaching its decision the Committee carefully considered all the documentation before it. You are required to undertake 5 years' equivalent of basic dental training. The GDC have stated that you have done 4 years basic dental training together with 1 year internship and they accept that this internship is capable of forming your primary degree and is capable of meeting the Article 34 requirements.

The Committee notes the letter from your dental college dated 2 September 2019 which details the study and experience that you undertook during this internship. The Committee notes that your logbook was not available as it was 15 years since this was completed and the University was unable to provide you with this as records were only kept for 7 years. The Committee accepted that you did the best you could to provide an insight as to what the log book may have looked like.

The Committee having taken into account all of the additional information you have provided, is satisfied that your internship was a mandatory part of your degree. It was also satisfied that your basic science qualifications and experience met the requirements of Article 34 of the Directive. Overall, the Committee was satisfied that your dental qualification is to be treated as meeting the requirements of Article 34.

Accordingly, the Committee then went onto determine the matter under Section 16 2(A), whether you have the requisite knowledge and skill pursuant to section 15(4)(c) in order to be registered on the Dentists Register. The Council recommended that you should undertake the Overseas Registration Examination (ORE) or License in Dental Surgery (LDS) (RCS) examination as a means of demonstrating the requisite knowledge and skill.

The Committee notes that the University you studied at was attached to a hospital that had a high volume of patients coming in, and you were able to deal with an array of clinical situations from these patients.

You moved to UK in 2014 and were not able to work as a dentist without registration. You kept your knowledge up to date and completed Part 1 and preparation for Part 2 of the ORE and undertaken various CPD courses. You stated that you previously took on a position of dental receptionist and you are currently enrolled on a dental nursing course and you are also working as a trainee dental nurse.

The Committee accepts the opinion of the Professional Adviser, that based on your oral evidence today, the deficiencies identified by the Registration Assessment Panel in respect of your training have been addressed. However, it remains concerned at the lack of evidence to demonstrate that your skills are up to date. You have not worked as a dentist since 2014 when you came to the United Kingdom. You have not provided the Committee with evidence such as a clinical assessment report to satisfy it that your skills are up to date and that you are safe to practice as a dentist.

Although the Committee is satisfied that you have the requisite knowledge, you have not demonstrated that your skills are current. Therefore, the Committee was not persuaded that you have established that have the requisite skills to be entitled to be registered as a dentist under Section 15(4) of the Act.

Accordingly, the Committee determined, in accordance with paragraph 4(8)(a) of Schedule 2A to the Dentists Act 1984, as amended, to dismiss your appeal.

In dismissing your appeal, the Committee recognises your professionalism and commitment to the practice of dentistry and your keenness to register with the Council. The Committee indicates to you that it is open for you to re-apply for registration to the GDC but recommends that before you do so you are able to demonstrate that your clinical skills are up to date.

That concludes this case.