

# What is a Continuing Professional Development (CPD) Appeal?

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**You have sent a Notice of Appeal to the General Dental Council (GDC) after being informed that your name will be removed from our register because the GDC is not satisfied that you have met the most recent CPD cycle requirement.**

## **What happens next?**

This document takes you through the CPD appeal process step-by-step.

# **Background information**

## **What is a CPD appeal?**

A CPD appeal is a formal tribunal hearing to consider the appeal you have recently made against the decision to erase you from our register. The process the appeal will follow is governed by the law in this area<sup>1</sup>. Within this process you will be known as an **appellant**. The GDC will be legally represented and will present evidence on why they are not satisfied you have met the CPD requirements. The GDC is known as the **respondent**.

## **Who will hear my appeal?**

Your appeal will be decided by a Registration Appeals Committee. Members of the Registration Appeals Committee are independent of the GDC and have knowledge about the registration of dentists and dental care professionals.

## **What powers does a Registration Appeal Committee have?**

The Registration Appeals Committee can:

- Dismiss the appeal;
- Allow the appeal and quash the decision of the Registrar;
- 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

## **What happens if I decide not to go through with my appeal?**

You can withdraw your appeal at any stage and make a subsequent application to come back on the register (known as restoration). If you withdraw your appeal, the Registrar's decision to remove you from the register will take effect immediately.

To withdraw your appeal you must notify the Hearings department in writing to the following email address: [HearingsCoordinators@gdc-uk.org](mailto:HearingsCoordinators@gdc-uk.org)

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# Preparing for the appeal

## Who do I deal with at the GDC?

The **Dental Professionals Hearings Service** administers all hearings and appeals. Once you have submitted your notice of appeal, you will generally **only** deal with staff from the Hearings Service. Its role is neutral in that it does not represent you or the GDC, its job is to organise and oversee the appeal process. Staff from the Hearings Service cannot answer specific queries relating to CPD requirements but will act as a central contact for any queries you may have on how the appeals process works.

The **Chief Executive of the GDC** is also the **Registrar**. They make all decisions about whether to register someone or to erase a person from the register. They will therefore be known in the hearing process as the **respondent** to a GDC appeal. At an appeal hearing he will be represented by the GDC's In-house Legal Advisory Service (see below).

The **GDC's Customer Service Operations Team** processes some registration matters on behalf of the GDC's Registrar. In your case they have assessed the CPD information you have submitted and have written to you on behalf of the Registrar informing you that you have failed to meet the CPD requirements set out in law.

## What happens once my Notice of Appeal is received and accepted?

The Hearings Service will ask you whether you want your appeal to be heard at an oral hearing, where you and the Registrar's representative are present, or whether you are happy for the panel to decide your appeal using the documentary evidence provided by you and the GDC. (This is known as "on the papers".) Either party, you or the GDC, has the right to request an oral hearing, although the GDC will usually ask for a CPD appeal to be heard on the papers. The Registration Appeals Committee can also decide that the case should be heard at an oral hearing. If so, they will ask the Dental Professional Hearings Service to list the case accordingly.

## What do I need to do if I want an oral hearing?

As stated above, the Hearings Service will write to you asking whether you want an oral hearing. If you do, there is a time limit of 28 days, which starts from the date that this letter is sent, in which you must write to the Hearings department to ask for an oral hearing. If you do not do so, a decision will be made about the hearing without your input.

If you do ask for a hearing within the time limit, the Hearings Service will consult you to find a hearing date that is convenient for all parties. When a suitable date is found,

a letter called a 'convening notice' will be sent to you, confirming the date, time and place of your appeal.

## **What if I don't want an oral hearing?**

If you do not request an oral hearing, and the Registrar agrees it is not necessary to hold one, then your appeal can go ahead without a hearing. Your appeal will be decided by the Committee and neither you nor a representative of the GDC will attend. The Committee will make a decision on the basis of the documentary evidence (i.e. the papers submitted), taking into account any advice given by the legal adviser.

## **Registration appeal documents**

When a date for your appeal has been fixed, the Hearings Service will send you a case summary, which outlines the relevant law. At the same time, you will be sent a 'bundle'. This contains all the documents relevant to your appeal, including any documents that you have previously sent to the GDC in connection with your CPD cycle. A copy of the bundle is also sent to everyone else involved in your appeal, including the Committee members who will decide your appeal. You will receive this no later than two weeks before the hearing date.

## **Can I submit more papers?**

After receiving the GDC's bundle of documentation, you can submit any other documents that you think will help your case, but we ask that you do so no later than a week before the hearing. These should be sent to the Hearings Service.

## **Who will be present at my appeal?**

As well as the members of the Committee, there will be an independent legal adviser to advise the Committee on the law and on the rules covering these appeals. These rules are set out in a document called “The General Dental Council (Registration Appeals) Rules Order of Council 2006” which was sent to you along with this guide. The Legal Adviser gives advice but otherwise plays no part in the decision-making process.

A Committee Secretary (a member of the Dental Professionals Hearings Service team) sits with the Committee to help the smooth running of the appeal hearing. The Committee Secretary is not part of the Registration Appeals Committee and their role is to facilitate the Committee’s decision making.

## **Can I be represented at an appeal?**

Yes, you have the right to present your own case or to ask someone to present your case for you, or alongside you. This might be a lawyer or a professional colleague, any officer or member of an organisation of which you are a member, or a member of your family. If you have a representative, he/she would be expected to present your case on your behalf.

## **If an oral hearing is to be held**

### **How will the hearing be held?**

Most appeal hearings are held by remote video conference. You and your representative (if appointed) will be sent a meeting invitation by email a few days before the appeal hearing takes place.

### **What if I have an accessibility requirement?**

If you have particular accessibility requirements, please let a member of the Hearings Service know prior to the hearing so that we can accommodate your requirements (where possible). During the hearing, you can take regular breaks if this makes it easier.

### **Who is allowed to watch the hearing?**

All hearings are usually open to the public (including the Press). There are limited circumstances where a Registration Appeals Committee may agree to a request that a hearing be held in private. If you want the hearing to be held in private, please raise this with the Hearings Service before the hearing. Anyone who wants to attend a hearing held by remote video conference must fill in an [online form](#).

## **What happens on the day of the hearing?**

On the day, please be ready at least 15 minutes before the hearing is due to start. This is so that you can speak to the Registrar's representative and/or the GDC's legal adviser if necessary and deal with any last minute matters. The GDC's representative will always be present at these discussions.

## **What if I am late or I can't make it at the last minute?**

If you are running late and are unable to log onto the hearing or if you are unable to attend the hearing, please email [HearingsCoordinators@gdc-uk.org](mailto:HearingsCoordinators@gdc-uk.org) or call 0207 167 6080 (the hearings team) as soon as you can. If you don't get in touch, the hearing may go ahead without you and a decision could be made in your absence including a decision to dismiss your appeal.

## **What happens in the hearing?**

At the beginning of the hearing, the Chair of the Committee will introduce themselves, the members of the Committee, the Legal Adviser and the Committee Secretary. The Chair will explain the process to you as the hearing proceeds. If you do not understand, please feel free to ask questions.

After all parties have been introduced, the Chair of the Committee will first ask both parties if there are any preliminary points anyone wishes to make before the case starts. These could relate, for example, to any additional documents to be considered such as asking for additional documents to be considered, additional time before the hearing, legal issues; or a request that the hearing, or a part of it, be heard in private. The Committee will hear the request and then may ask everyone to leave the meeting whilst it makes a decision.

The Registrar's legal representative will outline the GDC's case summary and the bundle of documents.

At the end of the GDC's case, you or your representative present your case. This is your chance to tell the Committee the facts of your case and explain why you think that you should remain registered. You can refer to any particular papers that you think are relevant. You can call other people as witnesses to speak on your behalf and give evidence. They can be questioned by the Registrar's representative, and by the Committee and the advisers.

Under the Appeals Rules, you have the right to speak last to the Committee.

## **Will I be asked to take an oath?**

While you have the right not to say anything at your appeal if someone else is presenting it for you, if you decide to address the Committee yourself, you may be asked if you will take an oath on your Holy Book (Old Testament, New Testament, Adi Granth, the Bhagavad Gita or the Koran) or make a non-religious affirmation, as the Committee will give greater weight to evidence given in this way. However, if you wish, you may make a statement to the Committee without taking an oath.

## **What if I need a break during the hearing?**

You can ask the Chair at any time during the hearing if you want a break. There will be regular breaks throughout the day, including an hour for lunch.

## **How does the Committee arrive at and communicate a decision?**

After you and the Registrar's representative have finished, the Chair will ask the legal adviser for their advice. Both you and the Registrar's representative will have an opportunity to comment on this advice if you want to.

The Chair will then ask everyone other than the committee members, the legal adviser and the Committee Secretary to leave the meeting so that the Committee can consider the case in private, and make a decision. Usually, the Chair will indicate the time when you will need to come back. If this is not the case, the Hearings Service will keep you informed.

The Committee will discuss the evidence and representations and decide whether to allow your appeal. A document setting out the Committee's decision and explaining the reasons for the decision will then be written. This is called the 'determination'.

All parties will be called back into the meeting and the Chair will read the determination. You can request a copy be sent to you immediately. A copy will be sent by a hearings coordinator within a few working days following the hearing.

## **If I was not present at the hearing, how will I find out what happened?**

If neither you nor the Registrar has asked for an oral hearing to be held, the Hearings department will write and tell you the date on which the Committee will meet to decide your appeal. On that date, the Committee will consider all the relevant documents in the appeal bundle, the case summary and any additional documents that have been submitted. Neither you nor the registrar nor any representatives will appear in person before the Committee.

Once the Committee has made a decision on your appeal, a document setting out the Committee's decision and explaining the reasons for the decision will be produced and sent to you. This is called the 'determination'.

## Will the decision be published?

Once a decision has been made on your appeal, the rules state that the Director of the Hearings department must publish the following information on the GDC website:

- (a) your full name;
- (b) the nature of the appeal;
- (c) the outcome of the appeal; and
- (d) such reasons for the Committee's decision as the Committee direct should be published.

## What can I do if my appeal is dismissed?

The only recourse available to you if you wish to appeal against the decision of the Registration Appeals Committee is to appeal<sup>1</sup> either to the County Court in England and Wales or, if you live in Scotland, to the Sheriff's Court in whose Sheriffdom you live.

## Restoring to the Register

If your appeal was dismissed and you do not appeal to the County Court or Court of Session, you will be removed from the Register. At this point in time (after the 28 day appeal period) you may make an application to restore to the Register. You can find details on how to [restore your name to the register on our website](#). As part of your application, you will need to submit five years of verifiable CPD evidence, which will include verifiable CPD certificates, your CPD activity log and your PDP.

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<sup>1</sup> The Dentists Act 1984 (as amended) Schedule 4A (for DCPs) or Schedule 2A (for Dentists)