

General Dental Council

Guidance on the Registrar's Discretion to Erase for CPD Non-Compliance

Version: 2

May 2025

Introduction

1. The CPD requirements for all GDC registrants are governed by S.34A(1) and S.36Z1(1) of the Dentists Act 1984 (“the Act”) for Dentists and Dental Care Professionals respectively. The current Rules as created under the Act are [The GDC \(CPD\) \(Dentists and Dental Care Professionals\) Rules Order of Council 2017](#) (“the Rules”). These have been in force since 1st January 2018 and are referred to as the CPD scheme.
2. By way of enforcement, the Registrar has the discretionary power under the Act and the Rules to erase a registrant where they are not satisfied that they have met their CPD requirements.
3. This Guidance sets out factors which are taken into account by the Registrar, or person with delegated authority¹, when considering whether to erase a registrant for failing to comply with their CPD requirements. The aim of this Guidance is to promote consistency and transparency in decision making.

The Registrar’s power to erase

4. Section 34A(2) of the Act states in relation to Dentists: “*if it appears to the registrar that a person has failed to comply with the requirements of the rules made under subsection (1), the registrar may erase the person’s name from the register.*” An identical provision in relation to Dental Care Professionals appears at S.36Z1(2).
5. The Rules specify the procedure to be followed before the Registrar may erase, namely sending notices to the practitioner under Rule 6 or 7 as applicable.
6. The power to erase is at Rule 8:
 8. *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);*

¹ Under the current Scheme of Delegation of the Registrar’s Functions, erasure under S.34A(2) and S.36Z1(2) of the Act is delegated to the Registrations team.

(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.

Exercising the Discretion

7. The Act and Rules do not specify a test to be applied by the Registrar in determining whether to exercise their discretion to erase a registrant under these provisions.
8. The Registrar, in exercising this function under the Act, will do so in pursuit of the Council's statutory over-arching objective of the protection of the public. This involves the pursuit of objectives of protecting the health, safety and well-being of the public, and promoting and maintaining public confidence in the professions and proper professional standards and conduct for members². The Council also has a general concern to promote high standards of education at all its stages in all aspects of dentistry³.
9. The purpose of the CPD requirements is to ensure that GDC registrants are, at all times, appropriately educated and trained to provide safe care to the public, in line with the over-arching and other objectives. Compliance with CPD is mandatory for all dental professionals and is a requirement for their continued registration. The only means of enforcement afforded under the Act and Rules, is discretionary erasure⁴.
10. The starting position is that the Registrar will normally exercise their discretion to erase a person's name from the GDC register where any of Rule 8(a)(i), (a)(ii) or (b) are satisfied.
11. The Registrar may exercise their discretion *not* to erase a registrant if it appears to the Registrar that there are exceptional circumstances which justify allowing the registrant to remain on the GDC's register, notwithstanding their failure to meet their CPD requirements.
12. Whether there are "exceptional circumstances" will be a matter of assessment on a case-by-case basis. In pursuit of the over-arching objective, the threshold is necessarily high and the words are to be given their ordinary meaning.

Assessing Exceptional Circumstances

13. In determining whether to erase under Rule 8, the Registrar⁵ will first consider whether there is any evidence that the registrant was prevented from complying with their CPD requirements due to exceptional personal circumstances which were beyond their control. This may include serious illness, for which medical evidence has been provided,

² See Section 1(1ZA) and 1(1ZB) of the Dentists Act 1984, as amended

³ See Section 1(2) of the Dentists Act 1984, as amended

⁴ The Registrar does not have any power to issue a warning, nor any other alternative or lesser sanction, for a registrant's failure to meet their CPD requirements.

⁵ Or person with delegated authority, as above.

or other unforeseen events such as bereavement of a close relative (spouse/partner, parent, child, or sibling).

14. Where a registrant seeks to rely on exceptional personal circumstances, the Registrar will ordinarily only take into consideration events that occurred or were ongoing during the timeframe under consideration for non-compliance with CPD requirements.
15. The Registrar will normally also consider whether the personal circumstances put forward have prevented the registrant from working in their capacity as a registered dental professional during the period under consideration. If a registrant has, notwithstanding their circumstances, been able to continue working as a dental professional, the Registrar is highly unlikely to exercise their discretion not to erase for a failure to meet their CPD requirements during the same timeframe.
16. Similarly, the Registrar will consider any available evidence of the registrant's general attitude towards their regulatory obligations during the period under consideration, including whether the registrant had attempted to meet their CPD requirements, notwithstanding their personal circumstances, and if so, to what extent.
17. Where there is evidence that a registrant failed to meet their CPD requirements because they were either not aware of them, or aware that they were mandatory, this will not amount to exceptional circumstances.
18. Where a minimal shortfall in CPD hours can be directly attributed to an exceptional personal circumstance, the Registrar is likely to exercise their discretion not to erase.
19. The following factors are highly unlikely to be relevant to the Registrar's assessment at Rule 8, as they are likely to be outweighed by the public interest in upholding CPD requirements consistently across the profession:
 - a. CPD hours completed outside the statutory timeframe under consideration for non-compliance.
 - b. Length of prior GDC registration and dental career, with or without prior CPD compliance.
 - c. The professional standing and/or seniority of a registrant.
 - d. The adverse impact on a registrant, or their employer, of immediate erasure (such as job loss, financial and resourcing consequences).
 - e. Pregnancy during the period under consideration, unless related to other exceptional circumstances. The CPD scheme does not require professionals to undertake CPD in every year of their cycle, but requires practitioners to undertake

at least 10 hours of CPD during each period of two consecutive CPD years⁶. This means a registrant taking a period of leave from practice, for example for maternity leave, can remain compliant by completing their required 10 hours of CPD in years either side of their leave.

- f. General matters which are not specific to a registrant personally. For example, the current national shortage of NHS dentists.

Procedure

20. The Registrar, or person with delegated authority, will provide written reasons for their decision. This will list the documents considered, including the registrant's CPD records, previous correspondence and anything received from or on behalf of the registrant (or, confirm that nothing has been received). The decision letter may refer to this Guidance, citing the factors that were considered, or were absent, as applies.
21. Where the decision is made to exercise the Registrar's discretion to erase, the reasons for the decision will be incorporated within the Notice of Erasure under Rule 8 letter.

⁶ Rule 2(5)(b) of the Rules.