



Department  
of Health

# **The General Dental Council – proposed amendments to enhance the effectiveness and efficiency of its fitness to practise processes**

**Please fill in and/or tick the appropriate  
response.**

Response form

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- Professional Body
- Education
- Union
- Local Authority
- Trade Body
- Other (please give details)

If you are responding on behalf of an organisation, please supply details:

Organisation

Faculty of Dental Surgery, Royal College of Surgeons of England

# **The General Dental Council – proposed amendments to enhance the effectiveness and efficiency of its fitness to practise processes**

## **Consultation questions**

### **Introduction of Case Examiners**

**Q1: Do you agree the GDC should be provided with the power to introduce case examiners, who have the ability to exercise the functions of the Investigating Committee?**

**Agree**      ( ✓ )

**Disagree**    ( )

**Unsure**      ( )

### **Comments**

The Faculty strongly supports this proposal which should increase the efficiency of the process and bring the dental sector in line with the GMC. The suggestion of two examiners, with one being a lay individual is welcomed but there needs to be greater clarity regarding the professional member. Paragraph 1.5 suggests that if the registrant whose fitness to practise is being investigated is a dentist, then the professional member will be a dentist, and similarly, presumably, for a DCP. However, there will be restricted availability if the examiners are restricted to officers of the Council which could, in turn, delay the process. Furthermore, if the registrant is a specialist, we recommend the dentist member should also be a specialist from the same specialty. We also suggest greater clarity is required as to the selection process, what criteria are applied in the process and how consistency of approach is ensured.

### **Power to agree undertakings**

**Q2: Do you agree that the Investigating Committee should have the power to agree undertakings with a registrant?**

**Agree**      ( ✓ )

**Disagree** ( )

**Unsure** ( )

**Comments**

The Faculty would support this proposal. The use of case examiners should speed up the process which must be better for all concerned and result in a reduction of associated risks, especially when the GDC has been asked to consider health issues.

**Power to review cases**

**Q3: Do you agree the GDC should be provided with a power to review decisions of registrar not to refer to the IC or case examiners and of the Investigating Committee not to refer to a Practice Committee?**

**Agree** (✓)

**Disagree** ( )

**Unsure** ( )

**Comments**

Whilst we agree that this power would be particularly important in cases where new evidence comes to light after a decision has been taken to close a case, greater clarity is required as this could potentially undermine the case examiner process. For instance, it is unclear who would make the decision that the circumstances listed in 3.3 apply. We also feel that the review should take place in less than the suggested two year period and perhaps one year would be more appropriate. If the original decision was materially flawed then the registrant or his/her representative should also be able to call for a review.

**Warnings**

**Q4: Do you agree that upon the imposition of a warning, there should be the ability to review the decision taken, as described above?**

**Agree** (✓)

**Disagree** ( )

**Unsure** ( )

## Comments

Yes, whilst we support the ability of the registrant to ask for the warning to be reviewed, there is then the associated risk that this could lead to reviews in nearly all cases as the registrant has virtually nothing to lose. We suggest reviews should be limited as noted below.

**Q5: If the answer to question 4 is yes, should a limit be placed on the number of applications a person can make within the 2 year period to have the determination to issue a warning reviewed?**

Agree  ( )

Disagree  ( )

Unsure  ( )

## Comments

We propose that the registrant should only have one opportunity to apply for a review in order to avoid repeated applications.

## **Referral to an Interim Orders Committee at any stage during the fitness to practise process**

**Q6: Do you agree with the changes to the legislation permitting the Registrar to refer an allegation to the IOC at any time provided that, in cases which are referred to the IC, the IC has not yet commenced its consideration of the allegation?**

Agree  ( )

Disagree  ( )

Unsure  ( )

## Comments

We agree this will enhance patient protection and public confidence in the regulatory system

**Q7: Do you agree that the IC should be able to refer an allegation to the Interim Orders Committee at any time, provided that, in cases which are referred by the IC to a Practice Committee, that Practice Committee has not yet begun its consideration of the case?**

Agree (✓)

Disagree ( )

Unsure ( )

#### Comments

We agree that in order to protect the public, the option of referring the case to the IOC should be extended to include the IC and case examiners

#### Costs and benefits analysis

**Q8: Will the proposed changes affect the costs or administrative burden on your organisation or those you represent, by way of:**

An increase ( )

A decrease ( )

Stay the same ( )

Unsure (✓)

**Please explain your answer**

#### Comments

We believe the costs to the GDC should reduce as noted. However, we suggest that there are some registrants who have been found to be in breach of fitness to practise where mentoring and further education may be more beneficial than punishment through suspension as this leads to individuals becoming de-skilled. As an organisation where education and standards are at the forefront of our mission, the Faculty of Dental Surgery could play a role in supporting specialists whose fitness to practise is found to be impaired.

#### Equality

**Q9: Do you think that any of the proposals would help achieve any of the following aims:**

1. eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010?
2. advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it?
3. fostering good relations between persons who share a relevant protected characteristic and persons who do not share it?

If yes, could the proposals be changed so that they are more effective in doing so?

If not, please explain what effect you think the proposals will have and whether you think the proposals should be changed so that they would help achieve those aims?

**Yes**        ( )

**No**         (✓ )

**Unsure**    ( )

**Comments**

We do not believe the proposed amendments would impact on the aims described. Presumably all those involved in the process would have undergone equality and diversity training.

**The draft Order**

**Q10: Do you have any comments on the draft Order?**

**Yes**        ( )

**No**         (✓ )

**Comments**