



ROYAL COLLEGE OF
PHYSICIANS AND
SURGEONS OF GLASGOW

CONSULTATION:	The General Dental Council – Proposed Amendments to Enhance the Effectiveness and Efficiency of its Fitness to Practise Processes
ORIGINATING SOURCE:	General Dental Council
CONTRIBUTORS:	Dental Council Members – October 2014
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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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Are you responding: *on behalf of an organisation*

If you are responding as a health or social care professional, please supply the following details:

Area of work

NHS

Social Care

Private Health

Voluntary

Regulatory Body

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 Physicians and Surgeons of Glasgow

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 (X)

Comments

Currently an Investigating Committee has 3 members. The GDC are proposing the introduction of 2 Case Examiners instead on the basis that this will speed up the process. It seems unlikely that reducing the number of individuals involved by 1 will make much of an impact on the efficiency of the process, but may make the decision to proceed with a formal investigation less fair and robust

It is very important that if Case Examiners are introduced that one of the two should be a registrant from the same group as the registrant under scrutiny

We feel that the verdict should be posted on the GDC website line for the public to see as for the current Investigating Committee.

Power to agree undertakings

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

Agree (X)

Disagree ()

Unsure ()

Comments

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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 (X)

Disagree ()

Unsure ()

Comments

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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 (X)

Disagree ()

Unsure ()

Comments

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 (X)

Disagree ()

Unsure ()

Comments

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 (X)

Disagree ()

Unsure ()

Comments

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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 (X)

Disagree ()

Unsure ()

Comments

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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 (X)

Please explain your answer

Comments

The GDC are currently considering a substantial increase in the annual retention fees which they say is necessary to cover the costs of investigating complaints about registrants. It seems unlikely that they will reduce the fees again if savings are made by the changes proposed

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 (X)

Unsure ()

Comments

The proposal to introduce 2 Case Examiners to replace the current system of a 3 member Investigating Committee may have the effect of increasing inequality

These changes are not being suggested because of concerns over equality but in addressing concerns about a registrant. There may be times when such a concern manifests an infringement of a patient's right to equality but there are many other concerns that are not named but are implied. This question seems to be a box ticking exercise so that the Equality & Diversity angle has been considered. Important as it is, does it need to be singled out in this way?

The draft Order

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

Yes ()

No (X)

Comments