Response to GDC Consultation

Dentist Register Regulations
August 2009
Introduction

Dental Protection Limited (DPL) is a wholly-owned subsidiary company of the Medical Protection Society (MPS) which is the world’s largest professional indemnity organisation for doctors, dentists and other healthcare workers, having over 250,000 members internationally. The two companies operate on a mutual, not for profit, discretionary basis as they have done successfully since 1892.

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DPL Response to the GDC Consultation on Dentist Register Regulations

Q1 Who are you?

Dental Protection Limited (DPL) is a wholly-owned subsidiary company of the Medical Protection Society (MPS) which is the world’s largest professional indemnity organisation for doctors, dentists and other healthcare workers, having over 250,000 members internationally. The two companies operate on a mutual, not for profit, discretionary basis as they have done successfully since 1892.

DPL itself serves over 54,000 dental members in 70 countries worldwide. This total includes approximately 70% of UK dentists and a higher proportion of UK dental therapists and hygienists. DPL provides indemnity to its members for claims in negligence. We also provide legal advice and assistance with GDC Fitness to Practise (FTP) enquiries for our UK members. In addition to this, DPL offers members advice and assistance in dealing with complaints arising from the member’s practice. Typically this means offering firstly telephone advice to a member who is subject to a complaint and subsequently assisting with drafting responses to complaints and providing advice on complaints management. We also liaise with the Dental Complaints Service and many other complaints pathways, on behalf of our members.

We have experience of managing claims in negligence worldwide, and we assist dentists with inquiries by Dental Councils and other Regulators in all of the jurisdictions where we operate. DPL has had significant experience assisting over two hundred members with applications and appeals to the original GDC Specialist lists. Bearing in mind the above and the fact that DPL indemnifies the majority of dentists in the UK, we believe that we are well placed to comment on the current consultation.

Q2 Clear description of how GDC will monitor the Register

No.

- **Regulation 12 (d)** has a typographical error. A normal reading of the regulation suggests that the regulation referred to should be “Regulation 13”
- **Regulation 12(d)** makes reference to “Additional diplomas” (and assuming the above point is correct), in regulation 13. Reg 13 uses the phrase “additional qualification recognised by the Registrar” There should be a consistency within the rules, describing either additional qualifications or diplomas. The words are not necessarily interchangeable.
- **Regulation 13**: Looking at Reg 13, it is impossible to make any constructive comment on this regulation until GDC has produced further information and clarification. The GDC’s consultation on “Additional skills and Qualifications” was completed in the summer of 2008. It was made clear prior to that consultation and implied within that consultation that the GDC’s policy was that only the first qualification would be registered. This current consultation indicates that a fundamental shift in policy has taken place, but has not indicated anywhere how that change of policy was developed nor what the outcome of the previous consultation was, and what “additional qualifications” the Registrar will now approve.
- **Regulation 12 (e)** The GDC should give careful consideration to publishing the address of a registrant. When the only registrants were dentists and they chose to give the GDC their residential address rather than their practising address, in the full knowledge that this was a public register, it was reasonable for the GDC to publish the address provided. At that time, the Register was only available in public libraries and other similar places. Therefore only determined people would be able to access the residential address of a registrant. With the advent of the internet and the ease of access to the Register, the GDC needs to give very
careful thought to the decision to have free access to an individual's residential address. Many DCPs will be very concerned that their privacy and safety may be compromised by providing easy access to their address via the online Register. DPL believes that a proportionate response would be to decide not to publish the addresses for DCPs whilst continuing to publish the registered address for dentists.

- **Regulation 15 Voluntary erasure**: This regulation needs some further clarification. There are circumstances where a registrant wishes to retire and should be permitted to be removed from the Register mid year. The GDC must carefully consider the public benefit of retaining a registrant on the Register simply because a concern has been raised about the registrant’s fitness to practise. The GDC’s role is to protect the public now and in the future; it is not possible to achieve this protection retrospectively in relation to past events. Typically the registrant has identified this and offered themselves for voluntary erasure (VE), simply because they are not now fit to practise. DPL recognises that registrants should not be permitted to avoid FTP hearings by seeking VE. However there are cases every year where registrants decide to retire and do not renew their registration, or seek VE mid year. In these cases, it is not reasonable to retain them on the register on the basis that there may an FTP case commencing, with as little information as a phone call to FTP. Equally where a complainant/informant has indicated that they recognise the registrant’s decision to retire and are content to let the case lie on file, the GDC should operate with a degree of discretion and sympathy and allow retired registrants some dignity. The Regulation as drafted also seeks to stop a registrant who is practising with conditions or a warning, from VE. This is clearly not in the public interest and 15(b) should be reviewed.

Q2 Anything missing

Yes

- The GDC has failed to provide any information about the “additional diplomas / qualifications that the Registrar indicates (Reg 13) he will allow to be registerable qualifications. It would have been very helpful if this list had been published in the consultation so that comment could be made about how the list is compiled and how each qualification, if not on the list might be considered and assessed. This should have been an important part of this current consultation.
- The draft rules do not include any rules about the process by which a registrant can seek to have an additional qualification recognised and entered on the Register, and how such a decision might be appealed if the registrant is dissatisfied with the Registrar’s decision. This is a serious omission.
- Similarly, the draft rules make no provision for the de-recognition of any particular qualification if circumstances arise to make this desirable or necessary.

Q3 Fair and reasonable

No

- The consultation is flawed because the omissions noted above require a re-write of the rules, and a further consultation.