

2023 Consultation on the Guidance on Reporting Matters to the GDC

May 2023

Executive summary

Dental Protection is pleased to respond to the General Dental Council (GDC) consultation on 'Guidance on reporting matters to the GDC'. The GDC propose that this document will replace current guidance on reporting criminal proceedings and bring together all other matters that need to be reported to them.

Dental Protection, as part of the Medical Protection Society (MPS) has over 300,000 members around the world and is proud to have supported over 31,000 dentists and dental care professionals in the UK for many years.

Membership provides access to expert advice and support together with the right to request indemnity for complaints or claims arising from professional practice. Our in-house experts assist members with a wide range of legal and ethical problems that can arise from their professional practice, including clinical negligence claims, complaints, and General Dental Council (GDC) investigations.

As a member-owned defence organisation, we have a particular perspective on the reforms needed that would benefit dentists, dental care professionals and ultimately patients. The GDC's consultation questions and our responses follow.

4. To what extent do you agree or disagree that the proposed guidance provides clear direction on the range of matters that must be reported to the GDC?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Please explain your answer:

Dental Protection believes that the proposed guidance will bring a clearer direction to the range of matters that must be reported to the GDC compared to the current guidance due to the singular document format. The previous guidance was only one page long, covering criminal matters only, and bringing other matters into this document will be easier for registrants looking for information quickly, as long as it is promoted well or situated in an easy to locate place on the website.

5. To what extent do you agree or disagree that the proposed guidance provides clear direction on reporting health, performance or conduct concerns?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Please explain your answer:

Dental Protection believes that overall, it is helpful to include health, performance or conduct concerns into this document, and that this section is broadly clear. We are pleased to see inclusion of reference to indemnifiers.

However, it may be helpful to include examples of what a conduct or performance issue entails. In part 1.2 we are pleased to see suggestions of local resolution, but more detailed inclusion of what warrants reporting to the GDC may be helpful to diminish the likelihood of malicious reporting between colleagues with a poor relationship. In particular, '*reducing trust in the profession*' could be expanded on, including with examples, in order to better triage issues before they are reported to the GDC than requiring time and human resource to investigate.

Furthermore, registrants are advised that '*If patients may be at risk because you have a health condition that could impact on your practice, you must take action to address this*', and there may be benefit in clarifying that the GDC is referring to unmanaged health issues that are putting patients at risk or that it could reduce trust in the profession, and not those who have pre-existing and well-managed conditions. While a registrant would doubtless not need reminding that their pre-existing conditions need reporting, there could be benefit in clarifying this for the same reasons regarding malicious complaints above.

6. To what extent do you agree or disagree that the proposed guidance provides clear direction on reporting criminal proceedings?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Please explain your answer:

Dental Protection believes that the proposed changes are beneficial and provide clear direction. The previous guidance was only one page long and was not as detailed as the proposed guidance. In particular, we believe registrants will find it useful to have the additional guidance on reporting past charges and convictions (page 3).

We are pleased to see the suggestion that "*If you need advice as to whether you should declare you should contact your indemnifier, or the GDC at <https://www.gdc-uk.org/contact-us>*" because of the significance of making a disclosure. In light of this significance, we would suggest that this line is changed to '*...or, if you are unrepresented, the GDC at...*' to ensure that a registrant prioritises contacting their indemnifier for independent advice. We are unsure how a registrant – in a straightforward or meaningful way – could get on advice on whether to disclose without inadvertently disclosing the information.

7. To what extent do you agree or disagree that the proposed guidance provides clear direction on reporting regulatory proceedings?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Please explain your answer:

Dental Protection believes that this section provides clear direction. Potentially a list of all healthcare regulators in the United Kingdom could be included in point 2.2 for completeness.

8. To what extent do you agree or disagree that the proposed guidance provides clear direction on cooperating with the GDC?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Please explain your answer:

Dental Protection believes that this section is straightforward and provides clear direction on cooperating with the GDC.

9. Please tell us if there is anything else that you think should be included in the proposed Guidance on reporting matters to the GDC.

Dental Protection is pleased to see suggestions that registrants contact their indemnity providers throughout the guidance document, but we think this suggestion should also be included in the last line of the third paragraph on the introduction on page 1. For instance, an additional line could be included that suggests 'If you need advice as to whether you should declare concerns about your own conduct, performance health or proceedings you should contact your indemnifier'. This message is already included in the relevant sections, but we think it could be useful to be included in the introductory summary too.

10. Please tell us if you have any further comments about the proposed Guidance on reporting matters to the GDC.

We have no further comments, aside from suggestions around accessibility of the document and clarity for those with disabilities under the Equalities Act 2010 in our answer to question 11.

11. Please tell us about any impacts you think the proposed guidance may have with regard to the protected characteristics, or any other aspect of equality, diversity and inclusion.

Dental Protection has not identified any ways in which the proposals would have an impact on those with protected characteristics.

In our response to question 5 we have already suggested including further details on what warrants a health complaint in the first instance, but we wish to also note that those with health concerns that require reporting may also have disabilities that interact with a new health issue. How a health complaint is dealt with for those with existing medical conditions that fall under equalities legislation go beyond this document.

Separately, given the importance of this document for dental professionals (and ultimately for patients) we think that there could be benefit in creating accessible versions of the *Guidance* for those with disabilities or learning difficulties related to reading or information processing e.g., dyslexia. Anecdotally, we are aware that some dentists and DCPs may benefit from the additional support in this regard and believe that the regulator taking such steps would not only be encouraging for such members of the dental team but could also increase adherence to the Guidance. While we are not best placed to advise on such additional formats, there could be a supplementary audio version and versions in a different font and text not on a white background.

Dental Protection is part of the Medical Protection Society (MPS), the world's leading protection organisation for doctors, dentists, and healthcare professionals. MPS protects and supports the professional interests of more than 300,000 members around the world and is proud to have supported over 30,000 dentists and dental care professionals in the UK for many years.

Membership provides access to expert advice and support together with the right to request indemnity for complaints, investigations or claims arising from professional practice.

We are a mutual non-for-profit organisation and the benefits of membership of MPS are discretionary as set out in the Memorandum of Articles of Association. MPS is not an insurance company.

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