

## Response to the General Dental Council consultation on the GDC Strategic Plan

September 2022

### 1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk)
- 1.2 As part of our work we:
- Oversee the ten health and care professional regulators and report annually to Parliament on their performance
  - Accredit registers of healthcare practitioners working in occupations not regulated by law through the Accredited Registers programme
  - Conduct research and advise the four UK governments on improvements in regulation
  - Promote right-touch regulation and publish papers on regulatory policy and practice.

### 2. General comments

- 2.1 We are pleased to have the opportunity to respond to the General Dental Council (GDC) consultation on the GDC's strategic plan.
- 2.2 We welcome the GDC's strategic aims and objectives and believe these are largely in line with the GDC's statutory responsibilities. We are aware of the uncertainty posed to all regulators by the regulatory reform programme, and the possibility that the programme may be delayed. We welcome the GDC's forward looking approach to reform, and its consideration of options should the reforms not progress as planned.
- 2.3 We know that the knock-on effects of the Covid-19 pandemic have posed serious challenges for regulators, and that the GDC has been affected, in particular its ability to run the Overseas Registration Exam. This has caused backlogs and delays to processing potential international registrants. We welcome the commitment to resolving this issue and hope that the recent

proposals put forward by the Department of Health and Social Care to change the GDC's international registration legislation<sup>1</sup> will facilitate this.

- 2.4 Whilst we also support the GDC's aim to resolve complaints without recourse to the fitness to practise process where possible, it must be clear that cases that represent a potential breach of standards are dealt with through FtP where necessary. The GDC should give consideration to making explicit reference to its overarching objective of public protection, and how this relates to the FtP process.
- 2.5 We also support the GDC's ambition to be efficient and effective and maintain or improve performance. However, in light of the fact that the GDC has failed to meet our Standards of Good Regulation for fitness to practise timeliness in recent years, we feel that there could be a stronger commitment to improving performance in this area.

### 3. Consultation questions

**Q1. Given what the GDC does and the strategic context in which we work, do you agree with proposed strategic aim one, its high-level objective, and what we will do to deliver it**

**Please explain your reasons.**

- 3.1 The Authority welcomes strategic aim one ('dental professionals reach and maintain high standards of safe and effective dental care') and the actions proposed to deliver it.
- 3.2 In particular, we note and support the proposed actions to revise processes for registering dental professionals who qualified outside of the UK. We are aware that the GDC has had significant difficulties with international registration, caused both by the restrictions implemented to deal with the Covid-19 pandemic, and the prescriptive nature of the GDC's legislation. We welcome the GDC's focus on resolving these issues and creating a system that is fit for purpose.
- 3.3 We also welcome the GDC's focus on upstream/preventative regulation, and the use of intelligence and evidence to identify risk to patients and prevent harm before it occurs.

**Q2. Given what the GDC does and the strategic context in which we work, do you agree with proposed strategic aim two, its high-level objective, and what we will do to deliver it?**

**Please explain your reasons.**

---

<sup>1</sup> Department of Health and Social Care, February 2022, *Changes to the General Dental Council and the Nursing and Midwifery Council's international registration legislation*, available at: <https://www.gov.uk/government/consultations/changes-to-the-general-dental-council-and-the-nursing-and-midwifery-councils-international-registration-legislation>

- 3.4 We support the GDC's second strategic aim ('concerns are addressed effectively and proportionately to protect the public') and the objective of having an effective and accessible system for resolving complaints. We welcome the GDC's aim of ensuring that feedback and complaints are resolved before they become regulatory concerns. We further welcome the GDC's commitment to handling complaints fairly and proportionately.
- 3.5 However, the wording of this particular objective could imply that the bar for a complaint being resolved through the fitness to practise process is prohibitively high. The objective states that 'only the most serious' complaints should be dealt with as fitness to practice concerns. As we outlined in *Right Touch Reform*<sup>2</sup>, we agree with the principle that concerns should be resolved at the local level where possible, and that fitness to practise measures should only be used when necessary.
- 3.6 However, it may be helpful to be clearer that decisions about which complaints meet the threshold for investigation should relate not just to whether the complaint is 'the most serious' but also whether the alleged behaviour breaches the GDC's *Standards for the Dental Team*.<sup>3</sup> In *Right Touch Reform* we stated that the threshold for accepting concerns should be linked to regulators' professional codes.
- 3.7 It may be useful for the strategy to make explicit reference to the GDC's overarching objective of public protection, and the three limbs that constitute that objective (protecting the public (safety); upholding professional standards; and maintaining public confidence in the professions). The approach taken to the fitness to practise process needs to be aligned with each of the three limbs. The current drafting may imply that concerns will only be progressed where they compromise patient safety. The GDC must be clear that all relevant complaints will be dealt with appropriately. Where the Standards are breached, the question of 'seriousness' is likely to be relevant to how the case is resolved through the FtP process, but not whether it should be considered in the first place.
- 3.8 We are not suggesting that the GDC is applying the wrong test in terms of fitness to practise, merely that consideration could be given to the precise wording used in this objective within the draft Strategy.
- 3.9 Strategic aim two also makes reference to 'the reputation of the profession' and actions that can 'bring a profession into disrepute'. In our 2019 advice to the Secretary of State *How is public confidence maintained when fitness to practice decisions are made?*<sup>4</sup>, we noted that phrases such as these are out of

---

<sup>2</sup> Professional Standards Authority, 2017, *Right Touch Reform*, available at: [https://www.professionalstandards.org.uk/docs/default-source/publications/thought-paper/right-touch-reform-2017.pdf?sfvrsn=2e517320\\_7](https://www.professionalstandards.org.uk/docs/default-source/publications/thought-paper/right-touch-reform-2017.pdf?sfvrsn=2e517320_7)

<sup>3</sup> General Dental Council, 2013, *Standards for the Dental Team*, available at: [https://www.gdc-uk.org/docs/default-source/standards-for-the-dental-team/standards-printer-friendly-colour86d42fee1e2f440e8faaa3b80983334a.pdf?sfvrsn=98cffb88\\_5](https://www.gdc-uk.org/docs/default-source/standards-for-the-dental-team/standards-printer-friendly-colour86d42fee1e2f440e8faaa3b80983334a.pdf?sfvrsn=98cffb88_5)

<sup>4</sup> Professional Standards Authority, 2019, *How is public confidence maintained when fitness to practice decisions are made?*, Available at: [https://www.professionalstandards.org.uk/docs/default-source/publications/how-is-public-confidence-maintained-when-fitness-to-practise-decisions-are-made.pdf?sfvrsn=c8c47420\\_0](https://www.professionalstandards.org.uk/docs/default-source/publications/how-is-public-confidence-maintained-when-fitness-to-practise-decisions-are-made.pdf?sfvrsn=c8c47420_0)

step with modern regulation. Healthcare professional regulation should place patients and the public at its heart and aim to maintain their confidence in the professions who treat them, rather than to maintain the reputation of the profession for its own benefit, which may lead to perceptions of an inconsistent or outdated approach. The GDC may wish to reflect on this in future when articulating the purposes of regulation.

**Q3. Given what the GDC does and the strategic context in which we work, do you agree with proposed strategic aim three, its high-level objective, and what we will do to deliver it?**

**Please explain your reasons.**

- 3.10 We welcome this strategic aim ('risks affecting the public's safety and wellbeing are dealt with by the right organisations') and the high-level objective.
- 3.11 We particularly welcome the GDC's commitment to sharing information and evidence with the right organisations to address issues facing the public and dental professionals. Collaborative working is a key aspect of public safety, and this aim is in alignment with the Authority's second strategic aim: 'To ensure an effective and coherent approach to protecting the public from harm by promoting and facilitating cooperation and collaboration between regulators'.<sup>5</sup>

**Q4. Given what the GDC does and the strategic context in which we work, do you agree with proposed strategic aim four, its high-level objective, and what we will do to deliver it?**

**Please explain your reasons.**

- 3.12 We support this strategic aim ('dental professional regulation is efficient and effective and adapts to the changing external environment') and welcome the GDC's preparedness to change the legal framework in line with anticipated regulatory reform, whilst also preparing for the possibility of delay to the reform programme. We fully appreciate the uncertainty felt by regulators in terms of the timetable for regulatory reform and what precise form it may take. We welcome the proactive approach the GDC is taking to considering what operational changes could be made in the event that reform does not take place.
- 3.13 We also fully support the GDC's ambition of increasing efficiency, and the proposed action to: 'continue to ensure our regulatory functions and processes are as efficient and effective as they can be.' However, in light of the fact that the GDC has unfortunately not met our standard for dealing with fitness to practise cases in a timely way since 2017, this objective could be more explicit and ambitious with regard to the need to improve current performance in this area. Whilst we appreciate that this a high-level document, we feel that it would be beneficial to make clear somewhere within the strategy that there is

---

<sup>5</sup> Professional Standards Authority, 2022, *Strategic objectives 2022/23*, available at: <https://www.professionalstandards.org.uk/about-us/strategic-objectives>

a need to improve timeliness in fitness to practice and outline some of the actions that may be required to achieve this. It is currently not clear that the strategy targets improvement in this area. Strategic aims two and four are both relevant to fitness to practise, but it isn't clear how they relate to one another in the short- to medium-term.

- 3.14 Strategic aim four also makes reference to Equality, Diversity and Inclusion (EDI). The strategy states that the GDC will: 'Foster equality, diversity and inclusion, and continuously work to eliminate discrimination, in our regulatory functions and processes'. We welcome this commitment, however it may be helpful for the GDC to consider how it is embedding EDI across all workstreams and in relation to all strategic priorities.

**Q5. Thinking about our expenditure plans, to what extent do you agree/disagree with the following statements (1 being strongly agree to 5 strongly disagree):**

**I understand the explanations**

- 3.15 1

**I understand the assumptions underpinning the plan**

- 3.16 1

**I understand the approach to manage the risk of inflation on the costs of regulation and the ARF**

- 3.17 1

**Please explain your responses.**

- 3.18 The document clearly explains the expenditure plans and underlying assumptions.

**Q6. Do you have any other comments to make on our expenditure plans?**

- 3.19 No.

**Q7. We intend that our strategy will foster inclusion, promote diversity and further eliminate discrimination in line with our Equality Diversity and Inclusion Strategy. Thinking about the following:**

- **the four aims and the high-level objectives and what we will do**
- **our expenditure plans**

**To what extent do you think our proposals have the potential to impact positively or negatively on the protected characteristics protected in law:**

- **age**
- **disability**
- **gender reassignment**
- **marriage and civil partnership**
- **pregnancy and maternity**
- **race**
- **religion or belief**
- **sex**
- **sexual orientation?**

3.20 We welcome the GDC's intention that the strategy will foster inclusion, promote diversity and further eliminate discrimination. We are not aware (and do not have the requisite evidence to determine) how the aims and objectives may impact on people with protected characteristics. We would be interested to know what work the GDC has done or plans to do to evaluate any potential impact of the strategy or the actions within it on people with protected characteristics.

3.21 We are pleased that the GDC has built EDI measures into its monitoring and evaluation and are aware that the GDC also has a separate EDI action plan. However, EDI considerations could have been more prominent within the strategy as a whole. This could have been achieved either by means of a specific strategic aim relating to EDI, or through embedding EDI within the objectives flowing from each aim. We are aware that there is some evidence suggesting unequal experiences of the GDC's processes associated with different protected characteristics and look forward to learning more about the GDC's future work in relation to EDI.

---

#### 4. Further information

- 4.1 Please get in touch if you would like to discuss any aspect of this response in further detail. You can contact us at:

**Professional Standards Authority for Health and Social Care**  
157-197 Buckingham Palace Road  
London SW1W 9SP

Email: [policy@professionalstandards.org.uk](mailto:policy@professionalstandards.org.uk)

Website: [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk)

Telephone: 020 7389 8030