

GDC consultation response

Changes to the General Dental Council and the Nursing and Midwifery Council's international registration legislation

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Introduction

The UK public benefits from the contribution of internationally trained dentists and dental care professionals as part of the overall dental register. About a third of dentists registering with the GDC recently have joined with qualifications from outside the UK, and they make up nearly a quarter of all dentists on the register. The proportion of the dental care professional register who are internationally qualified is smaller, but still accounts for over 2,000 dental professionals.

When someone has trained as a dental professional in the UK, the GDC has approved their qualification as providing assurance that they meet the knowledge, skills and experiential requirements for safe and effective practice. When someone has trained outside the UK, we use different processes to assess the same knowledge, skills and experiential requirements. The Dentists Act 1984 sets out the processes for registration of internationally qualified dental professionals.

For dentists, most applicants trained outside the UK and Europe undertake the Overseas Registration Exam (ORE). This is a two-part examination that comprehensively tests the clinical knowledge and skill of candidates. Our legislation specifies the arrangements for the ORE to an unnecessary level of detail and this makes its operation inflexible. The effect is that it limits the number of candidates who may sit the assessment each time it is held. This has led to a backlog in applicants. We welcome the proposed amendments to our legislation which will give us greater flexibility and so allow us to increase the capacity of the ORE.

In addition, for dentists, we currently afford temporary recognition to qualifications that were previously automatically recognised under the European Directive for Mutual Recognition of Professional Qualifications. This is because the UK Government legislated to extend the period of recognition. This period of temporary recognition will be reviewed in 2023 and may be removed. If removed, new applicants with European dentist qualifications would need to sit the ORE, placing the exam under further pressure. This makes the task of increasing capacity by 2023 even more urgent.

Compounding the problem was the suspension of the ORE because of the restrictions arising from the pandemic. In the early stages of the pandemic, national lockdowns prevented the ORE from taking place and later in the pandemic the restrictions on use of NHS environments made it impractical to offer a sitting. As well as increasing the number of candidates in the waiting to take the ORE this has affected some candidates acutely, through no fault of their own. We are not permitted by law to let someone take the Part 2 exam if more than five years has elapsed since they first attempted the Part 1 exam. There is no lawful way for us to take into account the period of the suspension in sittings when applying the five-year time limit. We welcome the proposed amendment to extend the limit for a specific group of candidates whose time-limit was directly affected by the suspension of sittings.

For dental care professionals, we conduct an assessment of qualifications and experience known as the Overseas Dental Care Professional Assessment Process. One of the consequences of the backlog in the ORE, is that some internationally qualified dentists who have not yet achieved registration have sought to register as dental care professionals while they wait to take the ORE. We are confident in the robustness of that process, and we have not seen fitness to practise concerns increasing since these registration applications started to arise in 2016. Nevertheless, this is inconsistent with the position for UK qualified dentists who

are not permitted to register as a dental care professional. We consider that it is important to assess internationally qualified dentists across the full scope of their professional competence and we therefore welcome the proposal to bring about parity. While we understand this may have an impact on internationally qualified dentists waiting to register as dentists, we have restored the ORE and will be working to increase its capacity as a matter of urgency over 2022 and 2023, if the proposals in this consultation are carried forward. Increasing the capacity of the ORE will remove the driver for internationally qualified dentists to seek registration and employment as a dental care professional.

The amendments proposed in this consultation also provide the GDC with increased flexibility for the future to consider new routes to registration. Furthermore, the UK's changing international relationships means we may be able to consider or be required to establish new forms of mutual recognition of qualifications under the framework provided by the Professional Qualifications Act. Taken together, over the longer term, the GDC will be able to consider, develop, and implement a greater range of routes of registration that protect the public by seeking assurances from assessment of applications, recognition of qualifications or mutual recognition agreements.

We therefore support the proposals in this consultation and our responses reflect this. We encourage the Department of Health and Social Care to act quickly to bring these amendments into force so that we can begin the work, some of which will take considerable time, to implement an effective range of routes to registration as a dental professional that protect the public and are free from the constraints of outdated legislation.

How we have responded

The GDC has been involved in the development of the consultation proposals and so we are in support of the proposals. Our responses explain why we have sought the amendments to our legislation.

No responses have been given if a matter relates solely to the NMC and its international registration routes.

If a question relates to both GDC and NMC the response has been isolated to matters relating to the GDC.

Consultation questions

Do you agree or disagree with the Department's aim of ensuring that the GDC and NMC have flexibility to amend their processes for assessing international applications, in order to support the development of processes which are proportionate and streamlined, whilst protecting public safety?

We agree.

Please give a reason for your answer:

The proposals are in the spirit of the wider [ambitions for reform of the regulators](#) aiming to provide regulators with increased flexibility so that we are able to make proportionate and agile decisions about how best to protect the public under our own robust systems of governance.

Our current international registration routes are a good example of the unintended consequences of legislative prescription on the effectiveness of systems of regulation. The amount of prescription means that the GDC has no scope to consider or make improvements to international routes to registration, even down to setting fees at a level to recover the costs of administering the ORE and increasing the capacity of the assessment.

This also means that the GDC has been dependent on legislative processes to be able to respond to the effects of the UK's departure from the EU. We have been calling for change for many years, but without the flexibility to make amendments to our processes ourselves we have been unnecessarily delayed in responding to a changing international context.

With greater flexibility, the GDC will be able to take positive steps to increasing the capacity of the ORE as necessary, and start exploring a range of other potential routes to registration for all the dental professions that simultaneously offer the public the protection it requires and minimise friction where it does not undermine public protection. This work will take time, which is why it is urgent that these proposals are carried forward and amendments to the Dentists Act are made as soon as possible.

Do you agree or disagree with providing the GDC with flexibility to apply a range of assessment options in determining whether international dentist applicants have the necessary knowledge, skills and experience for practice in the UK?

We agree.

Please give a reason for your answer:

For the public to be protected, it is essential that anyone admitted to the register meets essential standards for safe and effective professional practice. There is variation in dental education and training across the world. Even in Europe, where there are efforts to harmonise dental education, we have collected evidence of variation in standards and systems of quality assurance.¹

There are many ways to gather the necessary assurances of knowledge, skills and experience. Some forms of assurance can be gained where the standards of dental education are

¹ [Review and mapping of basic dental training in EU member states: Final Report](#)

comparable, while in some cases we will need to depend on an assessment of an individual applicant. We are therefore seeking the flexibility to explore a range of routes to registration that provide proportionate and robust assurance.

Having a range of routes has clear advantages:

- It will increase resilience if any one route is affected by events beyond our control (such as happened to the ORE during the pandemic or will happen when the standstill period ends)
- It will mean we can explore options that rely upon quality assurance of international education and training in addition to or in place of an assessment of an applicant. This could accelerate applications for some applicants and reduce the burden of the application process.

Do you agree or disagree with removing the requirement that Overseas Registration Exams or other assessments are held by a dental authority or a group of dental authorities from the GDC's legislation?

We agree.

Please give a reason for your answer:

Dental authorities have played an important role in the delivery of the ORE, and we expect to continue to work alongside these organisations in a number of different ways to ensure that dental expertise is a core component of any effective international registration process.

However, the legal requirement that the ORE is delivered by a dental authority, or a group of dental authorities, has some negative consequences that affect applicants to our register. The requirement prevents the GDC drawing on the expertise and capacity of other kinds of assessment providers and rules out some ways in which the assessment process could be made more efficient, as well as constraining the overall resilience of the assessment process.

With increased flexibility, the GDC intends to seek a different arrangement for provision of examinations, through new provider relationships or perform some functions ourselves.

The increase in flexibility of the provider relationships means we can consider new partners and partnership arrangements, explore alternative approaches to assessment and benefit from the effects of increased competition.

Do you agree or disagree that any new registrations routes that the GDC develops may include, but will not be limited to, recognition of overseas diplomas?

We agree.

Please give a reason for your answer:

Where we can be satisfied that an overseas diploma represents the same level of achievement as a UK qualification, recognition of that equivalence is in principle the simplest and most straightforward approach, imposing minimal burdens on candidates while still ensuring consistent high standards.

That approach requires an assessment to be made of the quality and comparability of individual non-UK qualifications. The current legislation makes it effectively impossible to do that, because we have no powers to recover the costs of the quality assurance process from those who benefit from it. The proposed amendment removes that obstacle and would allow us to explore the development of this route.

Considerable work with institutions and awarding bodies would be needed before such arrangements could be put in place so a provision of this kind is not likely to lead to rapid change. But in the medium term there is considerable potential to develop an efficient and streamlined route to registration.

Do you agree or disagree with providing the GDC with a power to charge fees on a cost recovery basis for activities that underpin routes to international registration, such as quality assuring, or accrediting international qualifications?

We agree.

Please give a reason for your answer:

We have set out in our [fees policy](#) that we will as far as is practicable avoid cross-subsidy of the costs of regulation across our different registrant groups. As part of this policy we do not believe that existing registrants should pay for the costs of admitting new entrants to the register.

If we were able to recover costs, we would be able to consider recognition of qualifications as a potential route to registration, as well any further options that may emerge in future. A broader power to charge fees is therefore an essential catalyst for the development of a wider range of routes to registration.

Do you agree or disagree with providing the GDC with greater flexibility to set out its registration requirements for international dentists in rules set by the regulator rather than in its legislation?

We agree.

Please give a reason for your answer:

The most acute restriction we face is in the inflexibility of regulations that govern the ORE which set out details of the ORE and its fees. The Regulations can only be amended with approval from the Privy Council which means that we must secure the opportunity amongst the other priorities of the Privy Council.

The proposals set out that the GDC will be able to develop its own rules for the ORE, which would be approved by the Council. While this will accelerate the pace at which changes can be made, it will continue to include a period of consultation with our stakeholders to seek input into any proposals for change. With that increased flexibility we will be empowered to move forward with more significant changes to the ORE in future and develop rules for any other alternative routes to registration that we may develop in future. This flexibility will of course be balanced by the accountabilities set out in law, which includes a duty to consult with our stakeholders on those rules.

Do you agree or disagree with extending the five year period during which ORE candidates must pass Part 2 of the ORE following their first attempt at Part 1, where restrictions relating to the COVID-19 pandemic have prevented them from taking the exam?

We agree.

Please give a reason for your answer:

The five-year limit between a candidate's first attempt at Part 1 and being able to sit Part 2 and the limit on the number of attempts that can be made to pass each part ensures that upon completion of both parts of the assessment there is a relatively contemporaneous assessment of both clinical knowledge and skill. It also helps to manage the pool of candidates ensuring that they have ample opportunity to demonstrate that they have reached the necessary standard while not consuming scarce assessment capacity indefinitely.

In normal times, we are confident that the five year time limit is fair and appropriate, particularly as we take additional steps to support fairness by prioritising seats at assessments for candidates approaching the end of their time limit. However, the suspension of sittings during the pandemic, means that through no fault of the affected candidates, their opportunity to sit has been reduced. We believe the fairest route to address the disadvantage to these candidates (and only these candidates) is to exempt the period of the suspension from the calculation of the five-year period.

Do you agree or disagree with providing those candidates whose 5 year period was due to end within 3 months of April 2020 and who had secured a place on that month's ORE sitting with an extension of 12 months to provide them with sufficient time to secure a place on a subsequent ORE sitting?

We agree.

Please give a reason for your answer:

A very small number of candidates for the ORE would be unfairly disadvantaged if they are not provided with some additional time to book a place at a sitting and take the Part 2 exam. These candidates all held seats on the Part 2 exam that was suspended in April 2020 and anticipated that they would be able take their final attempt to sit within the five year time limit at that sitting.

These candidates would not have their opportunity to sit restored by solely exempting the period of the suspension because their time limit would expire before they have sufficient opportunity to book and take the assessment. This would be a particular disadvantage to one group amongst the candidate pool affected by the pandemic and therefore warrants, in these isolated cases, providing a short extension of the opportunity to sit.

Do you agree or disagree with the removal of the ORE exam fee from the GDC's legislation, enabling the GDC to set any overseas assessment fees on a cost recovery basis?

We agree.

Please give a reason for your answer:

The cost of the ORE has increased since 2015, but the fees that applicants pay have not. This means the ORE makes a loss at each sitting, and each additional candidate increases that loss. As a result, we are very constrained in our ability to increase the capacity of the ORE.

We have been running the ORE at the number of candidates that offers best efficiencies while reducing the amount of cross-subsidy from income derived from annual retention fee payments from existing registrants. We do not think that existing registrants should be subject to these costs as part of the annual retention fee, but without being able to increase the ORE fee this is the only way it can be fully funded.

Flexibility to set the fee means we will be able to increase the capacity of the ORE following consultation and agreement of new rules. The further flexibility to consider additional providers or undertake the assessment process ourselves will provide us with additional opportunities to manage the costs of the ORE, which we are currently unable to do. The result will be a system which is fairer to existing registrants, as well as to international candidates.

Do you agree or disagree with providing the GDC with flexibility to apply a range of assessment options in determining whether international DCP applicants have the necessary knowledge, skills and experience for practice in the UK?

We agree.

Please give a reason for your answer:

The different Dental Care Professional (DCP) titles cover a very wide range of skills and activities, and it is important that the method of assessment is appropriate for each. The principles of assessment should be consistent across all routes and all professional titles, but we support greater flexibility in adapting the precise means of assessment to different circumstances.

Do you agree or disagree with providing the GDC with a power to charge fees on a cost recovery basis for activities that underpin routes to international DCP registration, such as quality assuring, or accrediting international DCP qualifications?

We agree.

Please give a reason for your answer:

It is unfair that existing registrants should pay for the costs of new entrants to the register. We have set this out in our [fees policy](#) and avoid cross-subsidy to existing registrants wherever it is practicable to do so.

Do you agree or disagree with the requirement that international applicants to the dental care professionals register must hold a DCP, rather than dentist, qualification?

We agree.

Please give a reason for your answer:

The dental professions are distinct from one another in the UK, and each has its own education and training pathway.

While we are confident in the robustness of the process by which internationally qualified dentists are assessed for admission to the DCP register, it is not within the spirit of the Dentists Act. This is evident because a UK qualified dentist is not permitted by the Act to apply to be registered as a DCP. And this creates an unfairness for UK qualified dentists who are unable to hold dual registration unless they hold a DCP qualification.

We understand why dentists and employers have relied upon this route while the ORE has had a smaller capacity and been suspended during the pandemic, but the amendments in this consultation will remove the driver for internationally qualified dentists who have sought registration as a DCP.

Do you agree or disagree with providing the GDC with greater flexibility to set out its registration requirements for international dental care professionals in rules set by the regulator rather than in its legislation?

We agree.

Please give a reason for your answer:

The GDC should have the same powers to effectively regulate all of its professions. Currently the GDC has two similar but different legal frameworks for dentists and the dental care professions. This leads to additional complexity in our processes, but also some inconsistencies in how our model of regulation operates across both groups.

While application numbers are currently lower for internationally qualified dental care professionals, we suggest that having flexibility for the future will equip us if this changes. Flexibility to make rules for international registrational registration will also empower the GDC to respond to changes in the UK training standards for dental professionals over time, which could have an impact on the methods used to effectively register applicants who have qualified overseas.

Do you agree or disagree with the potential costs and benefits of these proposals as detailed above?

We agree.

Please give a reason for your answer, including any alternative costs and benefits you consider to be relevant and any evidence to support your views.

The proposals to set fees that recover costs for international registration processes will have some impacts on the candidates to the ORE as we begin charging a fee that matches the current costs of the assessment. However, the broader flexibility that is provided by these proposals means we have new opportunities to challenge the existing costs of the ORE over a longer period. It is too early to provide an accurate picture of the costs of the ORE because much will depend on the number of candidates able to sit at each assessment, which in turn will depend on new provider arrangements that are established in 2023. All of this is dependent of

the passage of the proposed amendments to the Dentists Act and so we continue to urge the Department to prioritise those amendments coming into force.

Over the longer term, flexibility will provide additional opportunities to streamline international registration processes and seek provider models that could reduce incidental costs to applicants, such as travel and accommodation costs. For example, holding the part of the assessment that is theoretical and computer-based under invigilation outside the UK.

Do you think any of the proposals in this consultation could impact (positively or negatively) on any persons with protected characteristics covered by the public sector equality duty that is set out in the Equality Act 2010 or by Section 75 of the Northern Ireland Act 1998 or on family formation, family life and relationships?

Yes.

Please give a reason for your answer:

These proposals affect applicants to the GDC registers who must undertake the ORE. Therefore, there will be impacts on a wide range of people who share protected characteristics. We suggest that the impacts will be positive because the outdated and flawed legal framework under which we currently operate does not provide the GDC with the flexibility to adapt its processes. Candidates currently have to navigate complex and time-consuming system, which is largely specified in inflexible legislation. That inflexibility drives capacity limitations and perceptions of unfairness in securing seats on the ORE. With the potential for increased flexibility and capacity, we can make adaptations to address these current challenges.

The GDC will be undertaking its own analysis of the impacts on applicants and candidates who may share protected characteristics at each stage of its work to implement the options that arise from new flexibility in the legal framework.

Do you agree or disagree that the legislative amendments set out in the draft Dentists, Dental Care Professionals, Nurses, Nursing Associates and Midwives (International Registrations) Order 2022 support streamlined and proportionate international registration processes for the GDC and the NMC?

We agree in respect of the proposals for the GDC and do not have a view on the proposals for the NMC.

Please give a reason for your answer:

The GDC's legal framework currently imposes disproportionate burdens on:

- the GDC in the administration of a flawed and outdated system,
- existing registrants through the cross-subsidy of costs related to the ORE from income derived from retention fees,
- applicants to the registers as a result of the capacity restrictions, and
- potential providers of assessment of applicants who must seek dental authority status to be eligible to provide this service

The proposals in this consultation seek to directly address the causes of those disproportionate burdens on the GDC and its stakeholders so that we can begin the work to implement routes to

international registration that provide robust assessment of knowledge, skills and experience using the most effective methods.

Do you have any further comments on the draft Order itself?

Yes.

Please give a reason for your answer:

Applications to the DCP register from internationally qualified dentists have continued to rise. If the Dentists Act is amended, we anticipate an increased number of applications up until the last possible opportunity. We suggest that the proposals for amendments include greater clarity on the last date on which anyone solely with an international dentist qualification may apply for and be registered as a dental care professional.

We believe this is necessary to ensure that there are not a large number of applicants to the register who will still have live applications after the Dentists Act is amended. If this were to happen, the GDC would be unable to register these applicants as dental care professionals and therefore it is fairest to applicants to set a clear deadline for applications as part of the transitional and savings provisions.

5 May 2022.