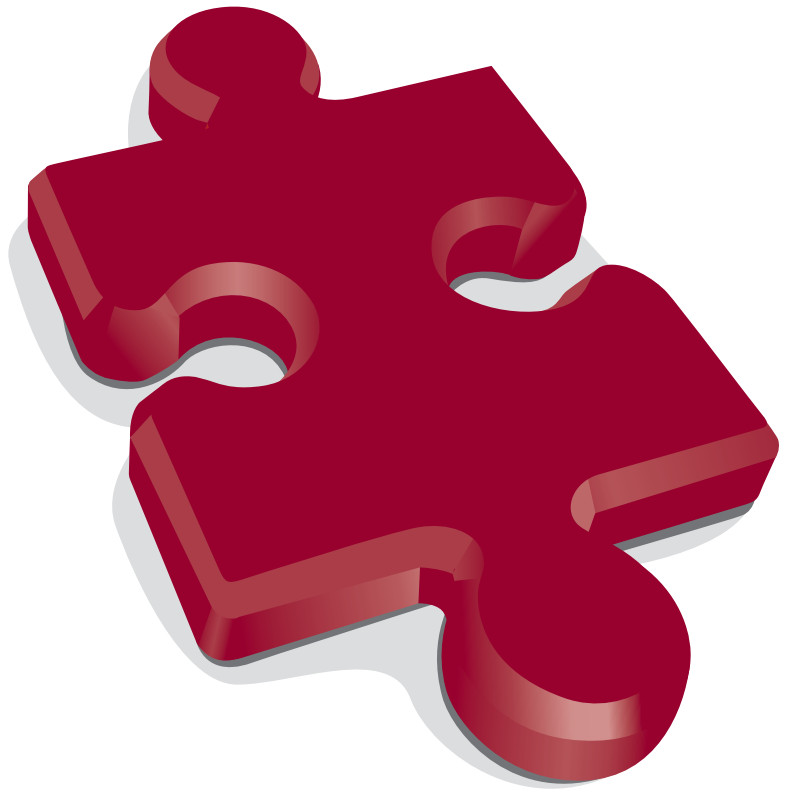
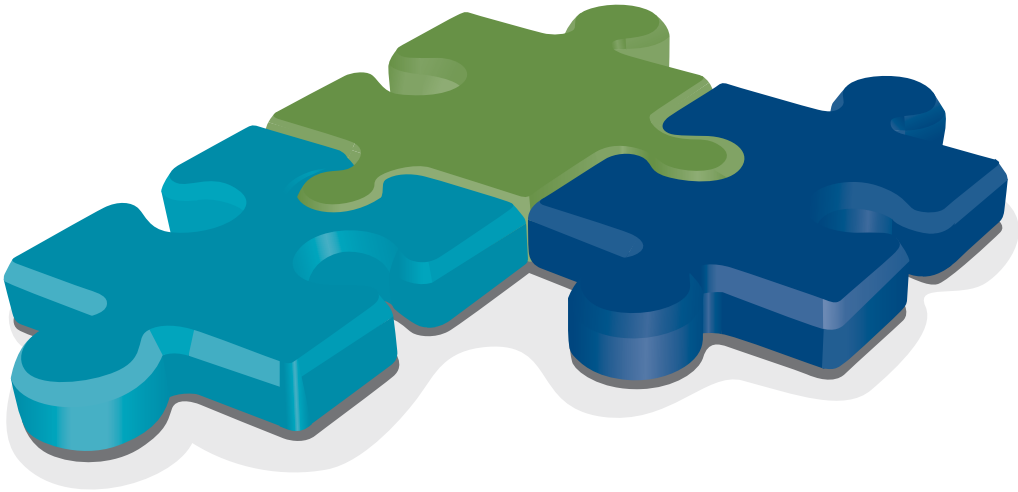


**General
Dental
Council**

protecting patients,
regulating the dental team

Witness

Information for conduct case witnesses



Your role as a **witness at a ‘fitness to practise’ hearing is vital. It gives the Practice Committee a first-hand account of what happened in the case they are considering.**

We understand that giving evidence may be a **new experience for you, so we have provided this leaflet to **answer** any questions that you may have about the hearing.**

This leaflet explains:

- **what happens before the hearing and on the day;**
- **who will be at the hearing and how the room will be set up; and**
- **how to give evidence**

Before the hearing

What happens now?

Our Investigating Committee has decided that your complaint about a dentist or dental care professional (a registrant) is serious enough to be investigated.

The concerns that you have about the registrant are known as ‘allegations’.

A team of solicitors will now investigate the matter by gathering evidence to support your allegations. To do this they will get reports from dental experts and written statements from other witnesses.

Once the solicitors have collected the evidence, your allegations will be considered by a Practice Committee at a hearing known as a ‘fitness to practise hearing’.

The aim of the Practice Committee is to decide whether your allegations are true, based on the evidence put forward. If the committee decides that your allegations are true, it will consider whether they affect the registrant’s ability to work as a dental professional (that is, whether they are ‘fit to practise’).

Will I have to be involved?

Once the solicitors have looked at the facts of the case, they will decide what evidence they need to prove it. They will contact you if they think that what you have to say will be helpful and relevant.

If the solicitors decide that you need to be a witness, they will organise a time to either visit you, or speak with you over the phone, so you can tell them what happened.

The solicitors will make your statement into a formal document, known as a witness statement. They will then ask you to check that it is an accurate account of what happened.

Once you are happy with the statement, you will be asked to sign it. It will then be sent to the registrant.

Will I have to go to the hearing if I am a witness?

If you have made a witness statement, you will probably have to go to the hearing.

On rare occasions witnesses do not have to go to the hearing, but this is uncommon as the registrant and committee members need to be able to ask you questions about your evidence.

What if I don't want to be a witness?

We will only ask you to appear as a witness at the hearing if it is vital. If you decide that you do not want to be a witness at the hearing, we could summons you to appear.

If you have any concerns about giving evidence, please discuss this with the solicitor dealing with the case as soon as possible. There are adjustments that could be made to help you give evidence (for example, letting you give evidence by video link). We can also make sure that your name is not given out in public.

We understand that being a witness can be stressful. If you think that you need extra support, you may find the following independent support organisations helpful.

Action against Medical Accidents (AvMA)

Website: www.avma.org.uk

Phone: 0845 1232352

Witness

Website: www.popan.org.uk

Phone: 08454 500 300



How soon will the hearing be held? And what happens if I am on holiday on the date of the hearing?

We try to have cases heard within six to 10 months after the Investigating Committee’s decision.

However, this is not always possible, especially if the case is complicated or involves lots of witnesses. Our solicitors will tell you the approximate date and length of the hearing. In the meantime, if you have any holiday booked, or there are any other dates within the next year when you will not be available to attend a hearing, please tell your GDC contact straight away.

Will you cover any of my expenses?

We will pay reasonable travel and food costs. Please make sure that you keep all receipts. If you need to be at a hearing for two or more days in a row, and you do not live locally, we will also pay for you to stay in a hotel. The solicitors will book this for you.

We cannot pay for loss of earnings or childcare except in exceptional circumstances.



On the day

Where will the hearing be held?

Most of our hearings are held at our offices at:

37 Wimpole Street
London
W1G 8DQ.

The nearest London tube stations are Bond Street, Regent Street and Baker Street. A map and more detailed directions are given at the back of this leaflet.

(If the hearing will be held at a different place, the solicitors will tell you. They will give you a map and detailed directions.)

How does the hearing work?

All hearings are open to the public unless the case is of a sensitive nature. The allegations are available on our website before the hearing.

At the beginning of the hearing, the Chairman introduces those sitting on the panel.

Our barrister then gives details of the allegations made against the registrant and calls witnesses in turn to give evidence to support those allegations.

When it is your turn to give evidence, our barrister, the registrant's barrister and the panel will probably ask you questions. You will be asked to confirm that you will tell the truth. You will need to speak clearly and slowly so that everyone can hear and so that an accurate recording can be made.

Once all the witnesses have given evidence, the registrant can call other witnesses to give evidence to support their version of events.

After the committee has heard the evidence from both sides, it has to decide which allegations are true. It does this in private.

If the committee decides that any of the allegations are true, it next has to decide whether the registrant is fit to practise.

If the registrant is still fit to practise, the case is closed. If the registrant is not fit to practise, the committee must decide what course of action to take. The courses of action that can be taken are called 'sanctions'. There is a full list of sanctions at the end of this leaflet.

Once the committee has decided on the sanctions, that judgement (the determination), and the reason for it, are read out at the hearing.

The purpose of any sanction is to protect the public, show the public that they can have confidence in the dental profession, and maintain standards.

The purpose of the sanction is not to punish the registrant, although this may be a side effect.



Who will be at the hearing?

The following people will be at the hearing.

- The committee. The committee is usually made up of at least three members, some are dental professionals and some are 'lay' members who do not work in dentistry. The committee member who is chairing the hearing (the Chair) always sits in the middle.
- The committee secretary. This will be a member of our staff who sits next to the Chair and is responsible for making sure the hearing runs smoothly.
- A legal adviser. This will be a barrister who sits on the other side of the Chair and advises the committee on legal issues.
- Our solicitors who have been dealing with your case and our barrister who will be putting the case to the committee. Our solicitors and barrister will usually be on your right when you are giving your evidence.
- The registrant's barrister or other representatives. They will usually be on your left when you are giving your evidence.
- The registrant. This is the dentist or dental professional who the allegations are made against.
- A stenographer. This is a person who records everything that is said at the hearing so that there is a formal record of the hearing.

There is a public gallery where students or members of the public can sit, and an area for the press.

The room

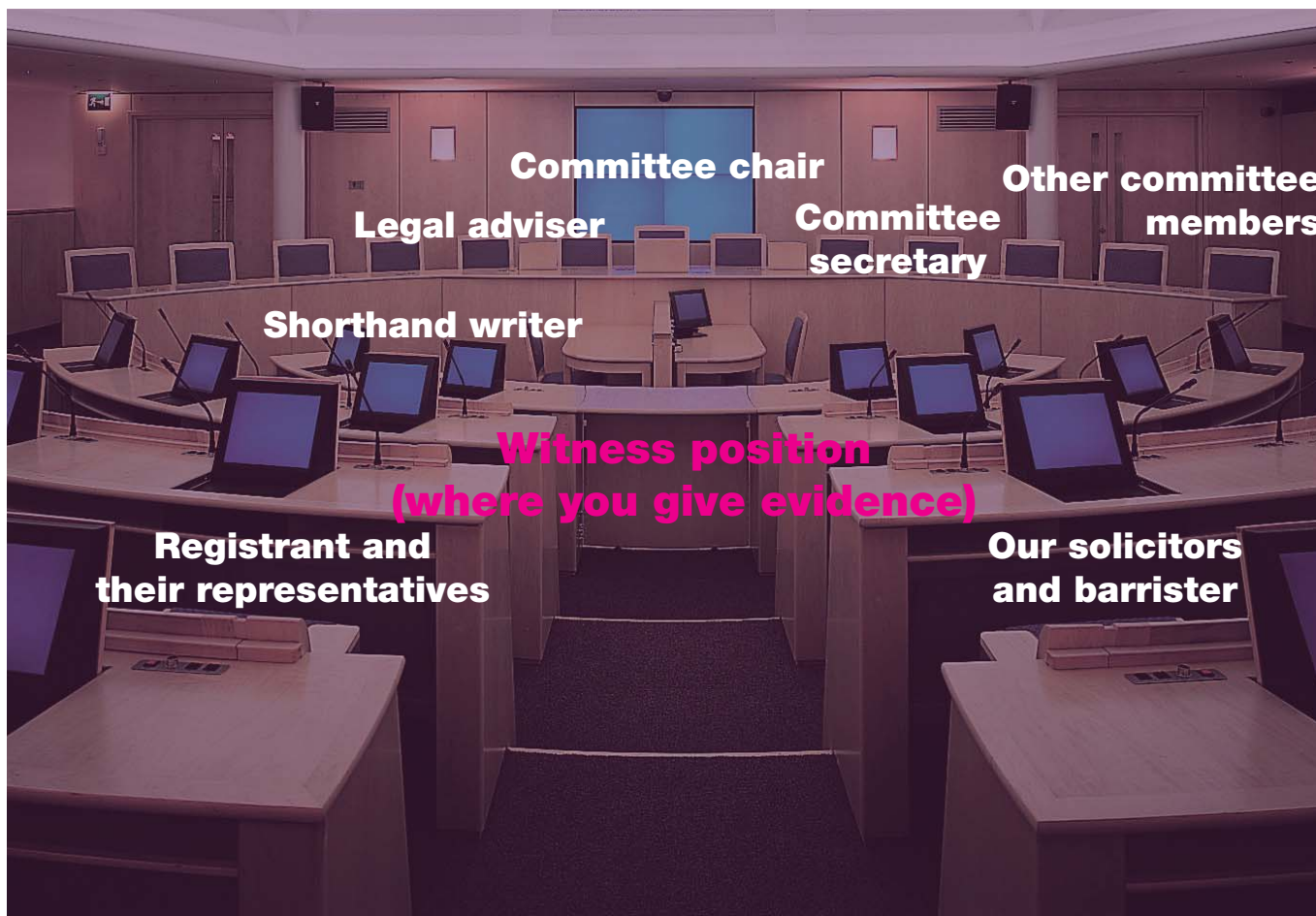
How accessible is the room where the hearing takes place?

There is wheelchair access and a 'loop' system for people who wear hearing aids.

If you have a disability, communication difficulty or other need, please discuss this with the solicitor you are dealing with.

What does a hearing room look like?

Even if your hearing takes place at a different venue, the people in the room will still sit in the same positions.



Giving evidence

What happens when I arrive at the venue on the day of the hearing?

When you arrive you will need to give your name to the receptionist. One of our ushers will then take you to a waiting area close to where the hearing is taking place. In the waiting area there will be refreshments that you can help yourself to. Please do not discuss the case with anyone while you are waiting.

Our solicitor will tell you what time you are expected to give evidence. However, this is an estimated time and we cannot say exactly what time you will be needed. For this reason, you may find that you are waiting for some time. So please bring along a book or something else to keep you occupied.

While you are waiting, an usher will ask you what oath you would like to make. There is a range of oaths available to cover the major religions. If you do not have a religion, you can give an affirmation. This is a solemn declaration you can make instead of making a religious oath.

Your oath or affirmation confirms that you will tell the truth and give a true account of what happened.

When it is time for you to give your evidence, an usher will show you into the room where the hearing is being held. If possible, we will try to show you the room beforehand.

What happens when I get into the room?

You will be shown to your position and asked to make your oath or affirmation.

The Committee Chair will then introduce themselves and the rest of the committee.

How do I actually give evidence?

First, the Chair will ask you to confirm your name. Our barrister will then ask you questions. Our barrister will be to your right, but when you answer the questions you direct your comments to the committee sitting at the front, as it will be making decisions on the case.

Our barrister will ask you questions about what happened and you should answer truthfully. You will be able to read your statement again before the hearing, and in some circumstances you may be able to refer to it when giving evidence. If you cannot remember a particular detail, say that you do not know.

How many people will question me?

After our barrister has asked you questions, the registrant's barrister (known as the defence barrister) may ask you questions.

Please remember that you are not on trial, and that even though some

of the questions may seem personal, they are not. The barristers must make sure that all the evidence is given to the committee so that they have a full understanding of the case.

When the defence barrister has asked all their questions, the committee may then have some extra questions for you.

How long will I be giving evidence for?

We cannot say exactly how long you will be giving your evidence as it depends on how much evidence you have and the number of questions you are asked.

You will be given the opportunity to stop for a break if you are giving evidence for a long time. If you want to stop at any time, for whatever reason, please tell the Chair. If you leave the hearing room during a break, you must not speak to anyone about the case, including your legal team or the other witnesses.

What happens after I have given evidence?

When you have finished giving evidence, you can leave or stay for the rest of the hearing.

The hearing may go on for some time, depending on the number of witnesses involved. GDC solicitors will be able to advise you as to when the result is expected. If you choose to stay for the rest of the hearing, our staff will show you where to sit.

We will publish the committee's determination on our website. The determination usually takes effect within 28 days, unless the committee makes an immediate order or the registrant appeals against the decision.

Whatever the outcome of the hearing you will be sent a letter thanking you for your help.

In a few instances, you may have to attend another hearing. If this is the case, our solicitors will let you know.



List of sanctions

The committee cannot award compensation. It can make any of the following sanctions.

Reprimand

This is where the committee decides to give a reprimand (a statement of their disapproval), but the registrant is still fit to practise with no restrictions and so no other action needs to be taken.

Conditions

This is where restrictions are placed on the registrant's work for a set amount of time. The conditions may include that the registrant must take further training and give us evidence to prove that they are taking steps to improve. The conditions usually have to be reviewed within a certain time.

Suspension

The committee can suspend the dental professional's registration. This means that the registrant cannot work as a dental professional for that set period of time.

Erasure

This is the most serious sanction as it removes a registrant's name from the register. This means that they can no longer work in dentistry in the UK.

Useful terms

Allegation

The accusations made against the registrant.

GDC General Dental Council.

Practice Committee

A committee which makes decisions on allegations. We have three practice committees relating to professional conduct, health, and performance.

Charge

The list of allegations against a registrant.

Determination

The decision the committee makes at the end of the case.

Findings of fact

This is the first stage after the Practice Committee has heard all the evidence. It decides which of the allegations have been proved.

Registrant

A person whose name appears on the register and is therefore able to practise as one of the following.

- Dentist
- Dental nurse
- Orthodontic therapist
- Dental technician
- Clinical dental technician
- Dental hygienist
- Dental therapist

How to find us

General Dental Council
37 Wimpole Street
London
W1G 8DQ

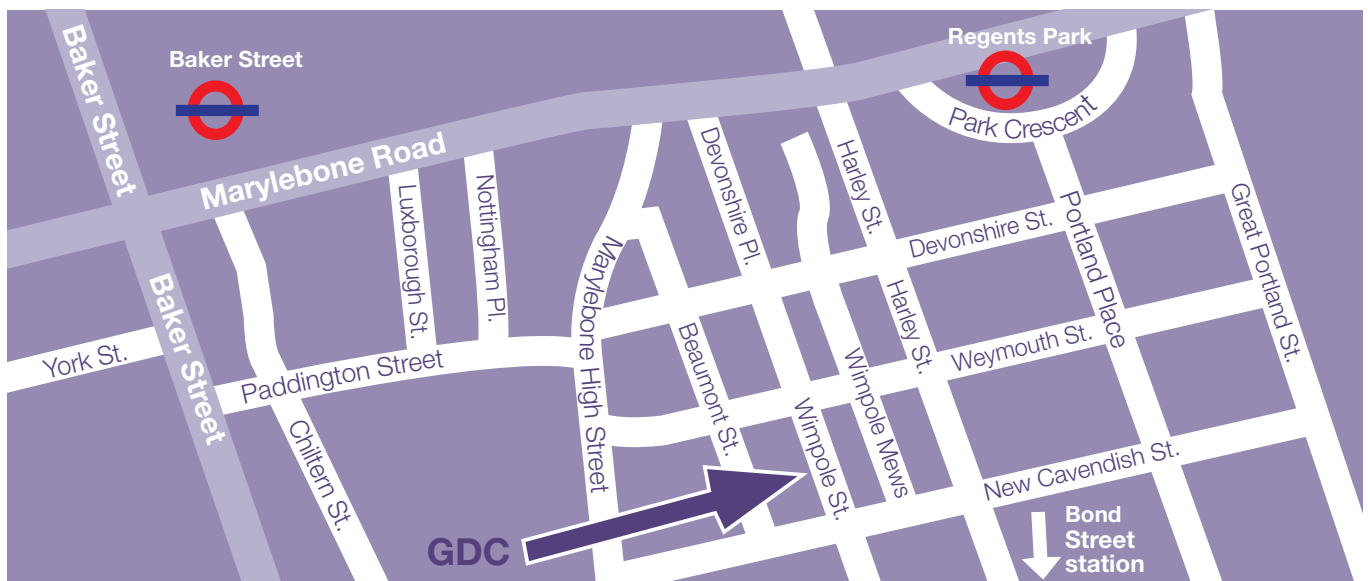
Closest mainline stations:

Euston, King's Cross, St Pancras
International

By tube: Bond Street, Regents
Park, Oxford Circus, Baker Street

Nearest bus routes: C2, 6, 7,
10, 13, 15, 23, 25, 30, 55, 73, 88,
94, 98, 113, 137, 139, 159, 175,
189, 274 and 390 are all within
walking distance.

By car: our offices are within the
congestion-charging zone.
Wimpole Street is a one-way
street, approached from Henrietta
Place. There are car parks in
Cavendish Square and Marylebone
Lane, both five minutes' walk away.



Check your dental professional is registered
www.gdc-uk.org

We want to make sure that all our services are accessible to everyone.

If you would like a copy of this leaflet in a different format (for example, large print or audio) or in a language other than English, please contact us.

GENERAL DENTAL COUNCIL

37 Wimpole Street
London
W1G 8DQ

Phone: **0845 222 4141**

Fax: **020 7224 3294**

Textphone (by RNID Tynetalk): **18001 0845 222 4141**

Email: **information@gdc-uk.org**

Website: **www.gdc-uk.org**

