General Dental Council: Information released under the Freedom of Information Act

Date released: 3 March 2022

Request:

Firstly, I would like to know how many dentists who have had complaints made against them by patients in the last 10 years were, after investigation, determined to not have the required liability insurance, as I understand that you do absolutely no checks to ensure members are adequately insured. Secondly, I would also like to know what procedures you have in place (if any) to ensure that you have checked that your dentists have done the necessary professional development required as a condition of membership.

Response:

Thank you for your request for information dated 05 February 2022, in which you asked how many dentists who had concerns raised against them by patients in the last 10 years did not have the required liability insurance and what procedures the GDC has in place to ensure the necessary professional development of the dentists is undertaken.

Your request is being handled under the Freedom of Information Act 2000 (the FOI Act). We can confirm that we do hold the requested information.

At the GDC, our primary statutory purpose is to protect the public and we are committed to ensuring that patients can recover compensation and associated costs in the event that they have suffered harm in their dental care and treatment.

In respect of your first query, we have set out the relevant legislation, our guidance, and processes as well as some detail about current indemnity insurance models and national developments. We have also provided some detail about next steps we are taking to consider how our assurance levels in relation to indemnity cover could be improved in the future.

1. Our legislation, guidance, and registration processes

The Health Care and Associated Professions (Indemnity Arrangements) Order 2014 sets out that Healthcare professionals, including dentists and dental care professionals, are required to hold ‘appropriate’ clinical negligence indemnity cover to cover the costs of claims and damages awarded to patients arising out of negligence. The Dentists Act 1984 is the legislation which sets out the General Dental Council’s role and responsibilities and under the Dentists Act 1984, an indemnity arrangement must provide appropriate cover which may comprise of a policy of insurance, an arrangement made for the purposes of indemnifying a person or a combination of the two. Section 26A of the Dentists Act 1984 makes this provision in relation to dentists and section 26L makes this provision in relation to other dental care professionals such as dental nurses, for example. The term ‘appropriate’ cover is not defined in legislation; it is up to the registrant to decide which type of cover would be the most appropriate to suit their needs. Additionally, it is the registrant’s responsibility to make sure that they are covered for all the locations where they work and all the tasks they undertake within their scope of practice. If a registrant declared to the GDC that they have appropriate indemnity or insurance in place and this is found to be false, this is likely to be considered as a fitness to practise matter.

The General Dental Council (Indemnity Arrangements) (Dentists and Dental Care Professionals) Rules 2015 require dental care professionals applying for registration or restoration, and those renewing their registration each year, to tell us that they have indemnity cover in place - or will have by the time they start practising. This means registrants are not able to register or renew their annual registration unless they confirm that they have, or will have, appropriate indemnity cover in place. Registrants must make a declaration that they have appropriate indemnity cover the 31 December every year. When a registrant pays their annual registration renewal fee, their name is retained on the register for a further year. However, if a registrant pays their annual registration fee and fails to make a declaration that they have appropriate indemnity cover in place by the 31
December, the GDC gives registrants a further opportunity to make the indemnity declaration and notifies the registrant that they will be removed if they do not provide a declaration of indemnity. GDC remove registrants who have failed to make the indemnity declaration.

The Standards for the Dental team at Standard 1.8 require dental professionals to hold appropriate indemnity cover - ‘You must have appropriate arrangements in place for patients to seek compensation if they suffer harm.’ This standard is reinforced and further explained through guidance on indemnity requirements, including cases where no indemnity or insurance is required, is available on our website.

2. Data requested for the number of dentists who have not had liability insurance following investigation of a concern raised against them.

To answer your query above, we liaised with the Project Management Office who extracted the relevant information from our Customer Relationship Management system. Please note, the information regarding the number of dentists who did not have the required liability insurance could only be provided from 2017 onwards as we do not hold information prior to 2017. There have been 9 dentists who were found not to hold the relevant liability insurance since 2017.

3. Consideration by the UK government of appropriate clinical negligence cover

In 2018, the government published a consultation, ‘Appropriate clinical negligence cover’ due to concerns regarding current forms of indemnity cover. In this consultation, the government set out its objectives to ensure that:

- patients harmed by the negligence of regulated healthcare professionals can access appropriate compensation;
- regulated healthcare professionals hold stable and sufficiently funded clinical negligence cover, thereby reducing potential risks of prohibitive costs to the healthcare workforce and the patients they treat failing to access appropriate compensation;
- regulated healthcare professionals have greater clarity and confidence about the security and terms of their cover, as well as suitable patient protection in the event of a dispute with their indemnity provider; and
- patients have greater clarity and confidence of their recourse to any compensation.

The consultation sought opinions on options to make changes to the requirements for indemnity provision, including a proposal to change legislation to ensure that patients are protected. The GDC provided a response to this consultation in February 2019 and the government is expected to provide its full consultation outcome response in Spring this year.

4. Steps we are taking to consider how we can improve protections for patients

Whilst we are waiting for the government’s response to the consultation on ‘Appropriate clinical negligence cover’, we are currently working on a project which aims to consider what options are available to the GDC to reduce the risks associated with current indemnity models ahead of any legislative reform the government may (or may not) commit to. Whilst the project is in its early scoping stages, we will be undertaking research to understand the complexities and risks of current indemnity models, including potential impacts on the public and dental care professionals, and we anticipate that this work will involve consideration our current assurance processes.

We now look to answer your second query as to what procedures the GDC has in place to ensure necessary professional development is undertaken by dentists. For information purposes, The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules Order of Council 2017 states all registrants are required to complete Continuing Professional Development (CPD). The main purpose of CPD is to protect patients and the public, by ensuring that professionals remain safe practitioners.
after the end of their qualifying training and for duration of their practice. Other purposes include broadening and deepening professionals’ skills and knowledge, expanding their fields of practice and supporting career progression and development. Furthermore, knowing that professionals keep up to date is also important for maintaining public confidence within the profession.

CPD for dentists and DCPs is defined in law as activities that contributes to their professional development and is relevant to their practice or intended practice. Registrants must complete CPD throughout their five-year cycle, they are also required to complete and submit a CPD statement on an annual basis. Additionally, registrants are required to keep a personal development plan (PDP) and an activity log to record the CPD training that has been completed. Both annual and end of cycle CPD statements need to be submitted within 28 days of the end of the relevant Annual Renewal period. Upon consideration of the declaration, if there is a failure to meet CPD requirements, registrants may be asked to send to GDC their CPD record for assessment. We may carry out an audit at any time during a registrants’ CPD cycle. We may also carry out an audit of CPD records, for up to five years after a cycle is complete. The GDC removes registrants who have failed to comply with CPD requirements. Registrants are also required to complete CPD if they wish to be restored to the register of which is assessed in conjunction with their restoration application form. Further information on CPD can be found in the Enhanced CPD Scheme 2018 Guidance.