

# Witness Information Guide



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## Section 1 Introduction

Your role as a witness at a fitness to practise hearing is vital. It gives the practice committee (referred to as ‘the committee’ throughout this guide) a first-hand account of what has happened so that they can make a decision about the case.

We understand that giving evidence at a hearing can be intimidating, so we have developed this guide to tell you what support is available to you before, during and after you have given evidence.

You can get this information in different formats (for example, large print, braille or other languages if necessary). We can also arrange for an interpreter if English is not your first language.

We give further details of this later in this guide.

### This guide explains:

- who will be available to help and support you throughout the different stages of the process if you are a witness for us or the dental professional (known during the hearing as ‘the registrant’ or ‘the respondent’);
- what happens before the hearing;
- what will happen on the day of the hearing;
- who will be at the hearing and how the room will be setup;
- how to give evidence; and
- what happens after the hearing.

## GDC Witness Support Officer

We have a Witness Support Officer who is responsible for making sure all witnesses are properly informed and supported throughout the process. The Witness Support Officer will provide help and support to all witnesses. We give further details about how the Witness Support Officer can help you in this guide.



You can contact the Witness Support Officer by:

Email: [wso@gdc-uk.org](mailto:wso@gdc-uk.org)

Telephone: 020 7167 6068

Or, by post to:

**Witness Support Officer**  
General Dental Council  
37 Wimpole Street London  
W1G 8DQ

We hope you find the information in this guide useful.

## About us

We are the General Dental Council (GDC). We regulate dental professionals in the UK in order to protect dental patients. We were set up by Parliament but are independent of the Government and the NHS. We:

- register qualified dental professionals;
- set high standards of dental professionals practice and behaviours;
- check the quality of dental education;
- make sure dental professionals keep their skills and knowledge up to date; and
- take action if a dental professional's ability, behaviour or health makes him or her unfit to practise (in other words, not suitable to continue working as a dentist or dental care professional).

### Who is registered with us?

By law, the following dental professionals must be registered with us to work in the UK:

- Clinical dental technicians;
- Dental hygienists;
- Dental nurses;
- Dental technicians;
- Dental therapists;
- Dentists; and
- Orthodontic therapists.

When an allegation is made about a dental professional, we have to decide whether the case should be considered at a fitness to practise hearing.

Our guide **How to report a dental professional** explains in more detail how we investigate complaints.

In summary, a dental professional may be considered to be unfit to practise because of their:

- misconduct;
- poor professional performance; or
- their physical or mental health.

### We can also take action if:

- another regulator elsewhere in the world has found that a dental professional is not fit to practise; or
- a dental professional has been cautioned for or convicted of a criminal offence.

There is more information about our role on our website at [www.gdc-uk.org](http://www.gdc-uk.org).

## Can you award compensation or help me recover money from a dental professional?

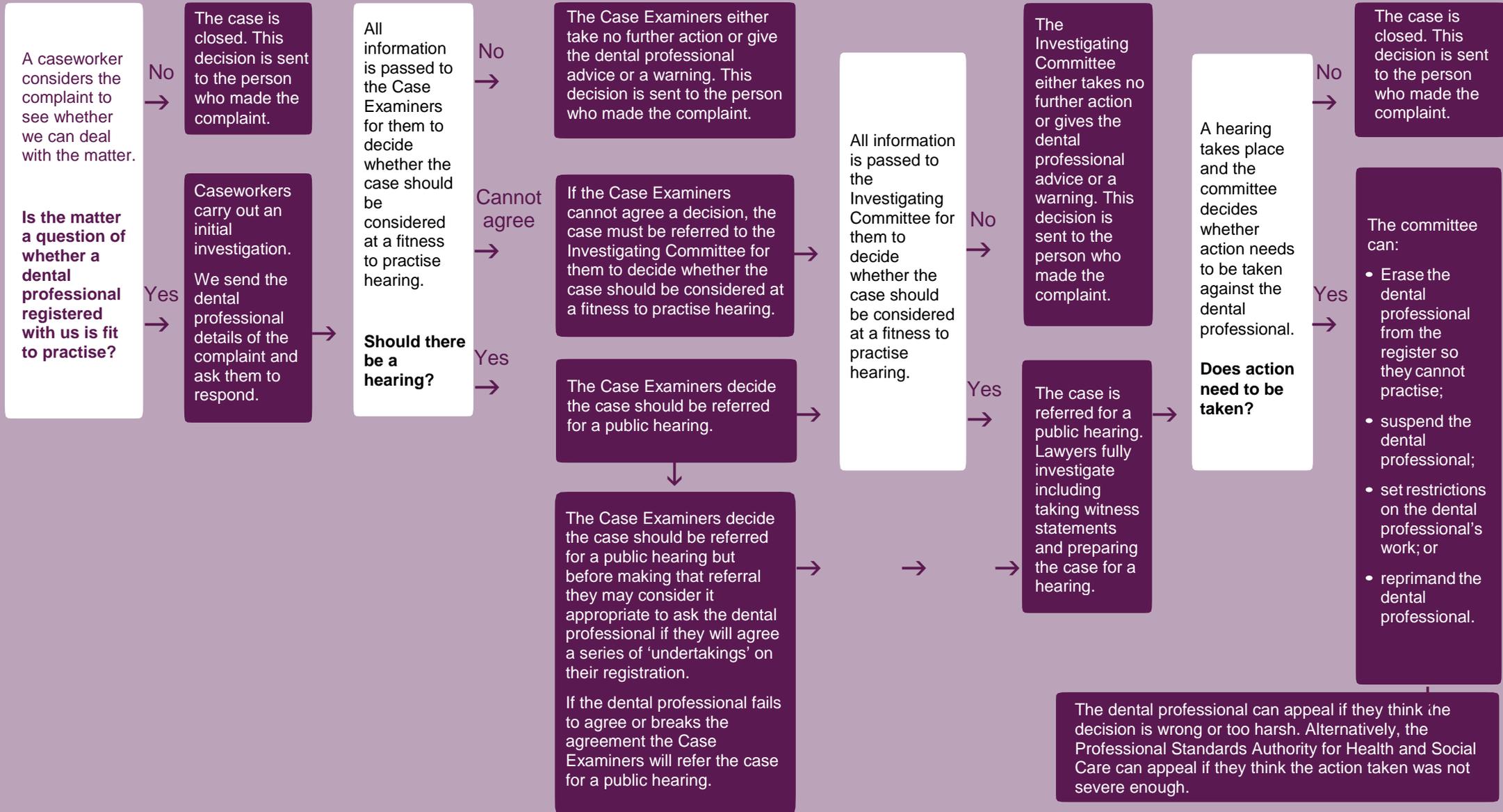
We do not have the power to award compensation or recover money for you. For this you would need to take legal action against the dental professional. If you would like more information you should speak to your own lawyer or Citizens Advice. (Our legal teams act for us, so they are unable to provide you legal advice).

You could also do the following:

- If you received NHS treatment, you can contact your local Primary Care Trust or health board. They will have a complaints procedure that you can go through.
- If you received private dental treatment, you can contact the Dental Complaints Service. This is an organisation set up to help private dental patients and dental professionals to settle complaints about private dental services. There is more information about the Dental Complaints Service on their website at [www.dentalcomplaints.org.uk](http://www.dentalcomplaints.org.uk).

# Fitness to practise process

The flow chart below shows the process to determine if a dental professional has the ability to continue working in the UK.



## Section 2

### Before a hearing

#### Why have you sent me this guide?

We have sent you this guide because you may be called as a witness in a case concerning a dental professional.

To prove the allegations against the dental professional, we must gather evidence to support the case. This may include getting documents such as dental records, reports and correspondence such as emails and letters, along with written witness statements (formal documents recording the witnesses' evidence) from all witnesses. These documents must be passed to the dental professional and their lawyer (if they have one) so they can prepare their defence.

The dental professional may also call witnesses to support their case. They may also gather documents relating to the case, and these will be given to our legal team.

A wide range of people, including the following, could be called as a witness at a hearing:

- Those who told the GDC about the allegation initially (referred to as informants or complainants);
- Any other person with knowledge of the issues in the allegation being investigated (for example, NHS staff, patients or colleagues);
- Professional experts;
- Medical examiners or professional assessors; and
- GDC staff.

The purpose of this guide is to explain what happens if we ask you to be a witness for the prosecution (the GDC) in a fitness to practise hearing.

If a dental professional has asked you to be a witness, some of the information in this guidance may not be relevant to you. If you have any questions you should contact the dental professional or their lawyer. Our Witness Support Officer may also be able to help you.

#### What happens before the hearing?

When an allegation is made about a dental professional, our Case Examiners or the Investigating Committee will decide whether the case should be heard by a committee at a fitness to practise hearing for a full inquiry.

When an allegation is referred to a committee, a legal team will investigate and prepare the case for a hearing (this could be our in-house legal team or an external law firm). Two people on the legal team usually work on the case. One will be a lawyer and the other will be an assistant (possibly referred to as a paralegal, legal assistant or investigator). You will be able to ask the lawyer or assistant any questions you have about the case and the process. You will also be given an alternative contact for concerns about the investigation.

**You should remember** that the lawyer and the assistant are your main contacts, and they will be able to help you throughout the process if you have any concerns about being a witness. You can also contact the Witness Support Officer whose contact details are provided at the front of this guide.

Once the legal team have collected all the evidence, the case will be considered by a practice committee at a hearing known as a 'fitness to practise hearing'.

The aim of the hearing is to decide whether the allegations are true, based on the evidence put forward. If the practice committee decides that the allegations are true, they will consider whether the matter affects the dental professional's ability to work as a dental professional (that is, whether they are 'fit to practise').



### **Will I have to be involved?**

Once the legal team 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 legal team decide that you need to be a witness, they will organise a time to speak to you so you can tell them what happened or what involvement you had relating to the issues in the case.

Either the lawyer or the assistant will turn your statement into a formal document called a witness statement. They will then ask you to check that the statement is an accurate account of what happened. Your statement will be sent to the defence, if there are substantive changes in your draft statements these may also be sent to the defence.

Once you are happy with the statement, you will be asked to sign it. Once you have signed your statement, the contents cannot be changed. However, if you do need to add anything at a later date, you can make a further statement but it is important to try to ensure the first statement contains everything and is accurate.

### **Why am I providing a witness statement if the committee are not going to read it?**

The purpose of your witness statement is to set out your evidence as part of our investigation. This allows the legal teams to assess the evidence and make decisions about how the case should be handled. Also, by law we must give details of the case, including the witness statements, to the dental professional before the hearing (known as 'disclosure'). This is so the dental professional knows what they are being accused of and what evidence is being relied upon to support the allegations.

Witness statements will not be given to the committee before the hearing unless both legal teams agree, as it is important for the committee to hear your evidence first hand. Also giving your evidence in person allows the defence to cross-examine you on your evidence.

The committee can also ask questions to clarify matters with you if they need to.

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

If the lawyers believe that your evidence supports the GDC's case, you will be called to give evidence. There are certain special measures that could be put in place in exceptional circumstances, for example, if you have health reasons which prevent you attending in person. Please speak with the lawyer in the case, or the Witness Support Officer, if you believe you have exceptional reasons which may make it difficult for you to attend the hearing in person. An application would have to be made to the committee in these circumstances and the defence can oppose this application.

If both legal teams agree with the content of your witness statement you may not need to give evidence in person at the hearing. In this case, your witness statement will be given to the committee to read and it will form part of the evidence they have considered. The committee may still wish to ask you questions in person or by telephone.

### **Can I have my witness statement in front of me when I give evidence?**

You normally will be able to refer to the statement while giving evidence. If you need to look at your statement, you can ask for a copy to be provided to you.

It is important that you re-read this before giving evidence. There will be a bundle of relevant documents put before the committee. This usually includes your witness statement and any documents which were attached to it as exhibits.

### **Can I have copies of the other documents to be put before the committee?**

We will not generally give you other documents before you give evidence. After the hearing, you can ask for copies of documents that were presented at the hearing. We will consider your request in line with our duties and obligations under the Freedom of Information Act and the Data Protection Act. The fact you are a witness does not make it more likely that you would receive these documents.

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

We will only ask you to appear as a witness if it is vital. We have a duty to protect the health and well-being of anyone who comes into contact with a dental professional.

Because of the nature of dental work, it often involves unsupervised contact with vulnerable people such as children, the elderly, adults with learning disabilities and people whose ill-health has made them vulnerable. We need your help to make sure that all dental professionals are competent and safe to carry out their professional duties.

Because witnesses play a vital role in our hearings, we can send you a formal summons for you to appear at a hearing.

There may be many factors that would make giving evidence particularly difficult (for example, if you have a disability or you experience difficulty in social situations). The way you give evidence may also be affected if the allegations are of a sexual nature and you are the alleged victim, or you feel intimidated due to your age, gender, race, ethnic background, sexual orientation or religion or belief.

Please discuss any concerns with the lawyer in the case or the Witness Support Officer, who will consider your circumstances and let you know whether adjustments (which we call 'special measures') can be requested to help you give evidence.

For example, an application can be made to the committee for screens to be placed around you so the dental professional and members of the public cannot see you when you give evidence. Other applications can also be made, including giving evidence by Skype, but none of these measures are guaranteed and are normally only available in exceptional circumstances, where a witness is considered to be vulnerable and they meet the criteria set out in the GDC's Rules.

## Can I talk to someone about being a witness?

Being witness can be a stressful experience for some people. If you feel that you would like support, you might want to speak to the Witness Support Officer.

As previously explained, the Witness Support Officer is responsible for making sure that all witnesses are properly informed and supported throughout the process.

You can get support from the Witness Support Officer at any time before, during or after attending a hearing. The Witness Support Officer can:

- provide support over the phone;
- help you to understand what happens during an investigation into a complaint about a dental professional;
- arrange for you to visit the hearing room on the day of the hearing, before you are due to give evidence;
- support you on the day of the hearing and be in the room while you give evidence, if you want them to be there;
- make sure we and the committee know about any reasonable adjustments needed for you to be able to attend the hearing (for example, if you need wheelchair access or an induction loop for your hearing aid);
- help you fill in your expense forms; and
- tell you about other organisations which can provide further support.

The Witness Support Officer's service is free and independent from the GDC's prosecution team (although the WSO is a GDC employee).

The Witness Support Officer can provide support and practical help, but is not qualified to provide professional counselling or legal advice. The Witness Support Officer is also not allowed to discuss the evidence with you.

If you need extra support, at the back of this guide there is a list of independent organisations which may be helpful.

You can contact the Witness Support Officer using the contact details in this document or you can ask the legal team taking your statement to request the Witness Support Officer to contact you.

## Will the dental professional be at the hearing?

The dental professional will usually be at the hearing and may be represented by a solicitor or barrister. However, there may be times when the dental professional decides not to attend or be represented at the hearing.

If the dental professional does not attend the hearing, the committee will need to decide whether the hearing can still go ahead. To do this they will first make sure that the dental professional was told the date of the hearing.

If the committee decides to go ahead with the hearing in the dental professional's absence, we will still have to prove the case against the dental professional and will need to call witnesses to give evidence.

## Will I have to meet the dental professional I am giving evidence against at the hearing?

If you are particularly concerned about seeing the dental professional (or anyone else involved in the case) at the venue of the hearing, someone may be able to meet you and take you to a waiting area or a room away from other witnesses. Unfortunately, we cannot guarantee that you will not meet other people involved in the case.

If you are the alleged victim of a sexual assault by a dental professional then they cannot cross examine you when you are giving evidence. They must ask a representative to do this on their behalf.

If this is of concern to you or you have any other concerns about attending a hearing, speak to the lawyer in your case and/or the Witness Support Officer before the day of the hearing. We will see how best to help you and make the necessary arrangements.

## How soon will the hearing be held?

We try to have cases heard within nine months of the Case Examiners or Investigating Committee deciding that the matter needs to be considered at a fitness to practise hearing. However, this is not always possible for many reasons including the parties needing more time to investigate.

Before the date of the hearing is set we will find out when you are available to appear as a witness. We will send a calendar for you to record any dates you are not available.

We will try to arrange the hearing for when you are available, but this may not be possible as there are a number of other factors that will affect the date, as well as many other people needing to attend.

You must let the lawyer in your case or the Witness Support Officer know if you have any specific travel or accommodation needs so we can make sure appropriate arrangements are in place for you (for example, if you use a wheelchair or are partially sighted or have a hearing impairment).

We will let you know the date of the hearing as soon as it is confirmed. We will normally ask you to arrange any overnight accommodation and book travel tickets if required, but we can do this for you if required.

Once the date of the hearing has been set, we try to avoid changing it as that could inconvenience everyone involved, including you. Please help us with this by:

- not making appointments on a date that you have said you would be available; and
- telling us as soon as possible about any unavoidable changes to the dates you would be available on.

If you are ill, please send us a medical certificate or a note from your doctor to confirm your condition and tell us when you are likely to be well enough to attend a hearing.

If the date of the hearing has to be changed for any reason, we will let you know and explain why the date has changed.

Once the date for the hearing has been confirmed you should keep these dates clear. Please do not plan any events or travel in this timeframe. Should an event occur that means you cannot attend, please let us know at the earliest moment. If you have physical difficulty travelling, please also let us know. You may be required to send proof of your condition for us to arrange assistance for you, apply to move the hearing date or for you to give evidence in another way.

## Where will the hearing be held?

Hearings are normally held in a small number of venues in central London.

You will be told the exact date, time and location of the hearing at least 28 days beforehand. There are details of all the venues we use on page 24 of this guide and on our website at [www.gdc-uk.org](http://www.gdc-uk.org).

We will include a map and directions to the venue.

As most of our hearings are held in central London, it may be difficult for you to find parking, so we do not recommend driving into London unless it is absolutely necessary. There are more details about how to get to our venues on page 24 of this guide and on our website.

If it is not physically possible for you to attend the hearing, it may be possible for us to arrange for you to give evidence by Skype or, in exceptional circumstances, phone. There must be exceptional reasons why you cannot attend the hearing in person. This could be because you live abroad or are medically unfit to travel. We would need evidence of this.

You will only be able to give evidence in this way if our legal team and the dental professional agree or the committee decides this is the best way to receive your evidence.

### **Do I have to attend the hearing every day?**

You may be needed at any time while the hearing is taking place, so unless we tell you otherwise, you should make yourself available at all times during the hearing. Where possible, we will let you know the first day that you can expect to be called to give evidence (for example, day two of a five-day hearing).

### **What should I wear to the hearing?**

You should wear smart and comfortable clothing. It would be inappropriate to attend wearing, for example, shorts, a t-shirt or flip-flops.

### **Can I bring someone with me to the hearing?**

You can bring someone with you, and they can wait with you in the waiting area. However, your companion will not be allowed to go into the hearing room before you give your evidence. This is because they might tell you what has happened in the hearing room before you give your evidence. This will be inappropriate as it might influence the evidence you give.

We will not normally pay your companion's expenses for attending the hearing unless there are exceptional circumstances (for example, if you need a carer to attend the hearing to help you). We will discuss this with you in more detail if it is relevant to your case.

### **Will you cover any of my expenses?**

We will refund reasonable travel and food costs. If you do not live within a reasonable travelling distance, we will also pay for you to stay in a hotel, if required.

You will normally be responsible for paying for other accommodation, travel costs (for example, tube or taxi fares) and food costs upfront. We will refund this money when we receive a satisfactory expenses form and receipts from you. More details about this can be found in our expense policy, a copy of which we will send to you.

If you cannot pay your accommodation, travel costs upfront, we can arrange and pay for these in advance if you raise this with the GDC's legal team and or the Witness Support Officer in advance.

The GDC is funded almost entirely by fees paid by dental professionals, including the annual retention fee and specialist lists fees, so we try to keep costs down wherever we can. For this reason, you should use public transport instead of your own car or taxis. If you feel you need to use your own car or a taxi, you should discuss this with us before travelling to the hearing. We may agree to this in exceptional circumstances (for example, if you have mobility difficulties which make it difficult for you to travel by public transport).

### **Can I claim for my lost earnings?**

We do not usually pay lost earnings. If it would be a problem taking time off work to attend the hearing, please let us know as we may be able to help you (for example, by writing to your employer to confirm the dates of the hearing and explain that you need to attend as a witness, or by sending you a formal summons).

### **Will I get told if I don't need to attend a hearing?**

During the investigation process our legal team may find that there is not enough evidence to go ahead with the case against the dental professional. In this situation, the Case Examiners or the Investigating Committee may decide that the case should no longer proceed to a hearing. We will let you know if this happens.

In some cases your evidence may not assist the GDC's case, for example, where all charges are admitted by the registrant. We will always try and notify you as soon as we can where you are no longer required to attend a hearing. In some cases it is unavoidable for the GDC's legal teams to tell you this at late notice, for example, if a hearing is adjourned for health reasons of a party or the registrant admits the charges on the first morning of the hearing. We will always try to give you as much notice as we can.

### **Will I be told who else will be giving evidence?**

We cannot give you information about the other witnesses in the case, or details of our case against the dental professional. This is to make sure that your evidence is not influenced by anything anyone else has said and to make sure that the proceedings against the dental professional are fair. It is very important that you do not talk to anyone else about your evidence. Once the committee have made their decision, after the hearing, we will give you a copy of their findings.

## Section 3

### Attending the hearing

#### What happens at the hearing?

You should aim to arrive at the hearing venue in good time. Please make sure you take account of any possible delays and aim to arrive at least half an hour beforehand.

If you arrive late, you may not have a chance to speak to our lawyer or see the hearing room before you have to give evidence. If you arrive on time, our lawyer will introduce themselves to you.

When you arrive at the hearing venue, go to the reception desk. A member of staff from the venue or the GDC will direct you to the witness waiting room or a separate meeting room.

We provide tea, coffee, water and biscuits at all our venues. We do not provide any other food or drinks for witnesses.

There are no restaurant facilities at our hearing venues so you will be required to purchase your own food and refreshments. We usually provide information on local shops and cafés in the witness waiting room.

#### What do I do while I wait to give evidence?

You will be asked to wait in the witness waiting room, along with other witnesses, until you are called to give evidence. No witness (except expert witnesses) can be present during the hearing before giving evidence.

While waiting, you should not discuss the case or your evidence with anyone else. This important rule is to make sure that evidence given by each witness is their own account of what happened. If you discuss the case with another witness, this might affect the proceedings.

Where possible, we will inform you at the start of the day the likely running order, and will keep you updated when you are likely to be called to give evidence.

As you may have to wait a long time, we recommend that you bring something to read. There is usually free WiFi at the venues.

#### What if I need support at the hearing because I have a disability or extra needs?

All the venues we use have wheelchair access and induction loops for people who wear hearing aids.

If you have a disability, communication difficulties or other specific needs, please inform the lawyer and/or the Witness Support Officer before the hearing so we can make the necessary arrangements for the hearing.

Arrangements could include providing an interpreter or providing information in braille. If you have a medical condition which means you need more frequent comfort breaks, we can arrange for this in advance with the committee so you do not have to say so in the public hearing.

If you have difficulty purchasing food or refreshments on the day of the hearing (for example, because of a disability), please tell the lawyer and/or the Witness Support Officer so we can help you to make alternative arrangements.

### Can I bring my children to the hearing?

Please do not bring children to the hearing if you can avoid doing so. If you really have no other option, please bear in mind that there may not be any suitable facilities at the venue. You should bring along some toys or other items to keep the children occupied.

If you bring children with you, they must be accompanied by an adult at all times. This means you will need to bring another adult to look after the children while you are giving evidence. We will only agree to pay the adult's reasonable expenses in exceptional circumstances (for example, if you need to bring your baby with you because you are breastfeeding). Our expenses policy provides more information about this.

Due to health and safety reasons, our staff cannot take responsibility for children, even for short periods of time.

### Key things to remember before the hearing.

- Make sure you know exactly where and when the hearing is.
- Bring appropriate ID with you.
- Read over your witness statement before the hearing or while you are waiting to give evidence, to refresh your memory.
- Bring your witness statement and all the papers relating to the case, if appropriate.
- Bring your reading glasses if you wear them.
- Aim to arrive at the venue in plenty of time.
- Speak to us or the Witness Support Officer if you have any concerns or questions about the hearing.
- Turn your mobile phone off while you are in the hearing room.
- Do not discuss the case with anyone before you give evidence.
- If you see 'in camera' signs on the hearing room doors, this means you are not allowed into the hearing room as the committee is considering a matter in private.



## Section 4

# Giving evidence

### What happens in the hearing room?

At the beginning of the case, our lawyer will let the committee know the order witnesses will be called to give evidence. This order may need to be changed to reflect any unexpected issues that arise during the course of the hearing.

All cases are dealt with as quickly as possible, but sometimes hearings can run over and witnesses may need to wait some time before being able to give evidence. If you cannot give evidence on the scheduled day because of the delay or changing circumstances, you will be asked to return on another day.

If the dental professional or the dental professional's lawyer has asked you to give evidence, they should keep you updated about the hearing timetable on the day.

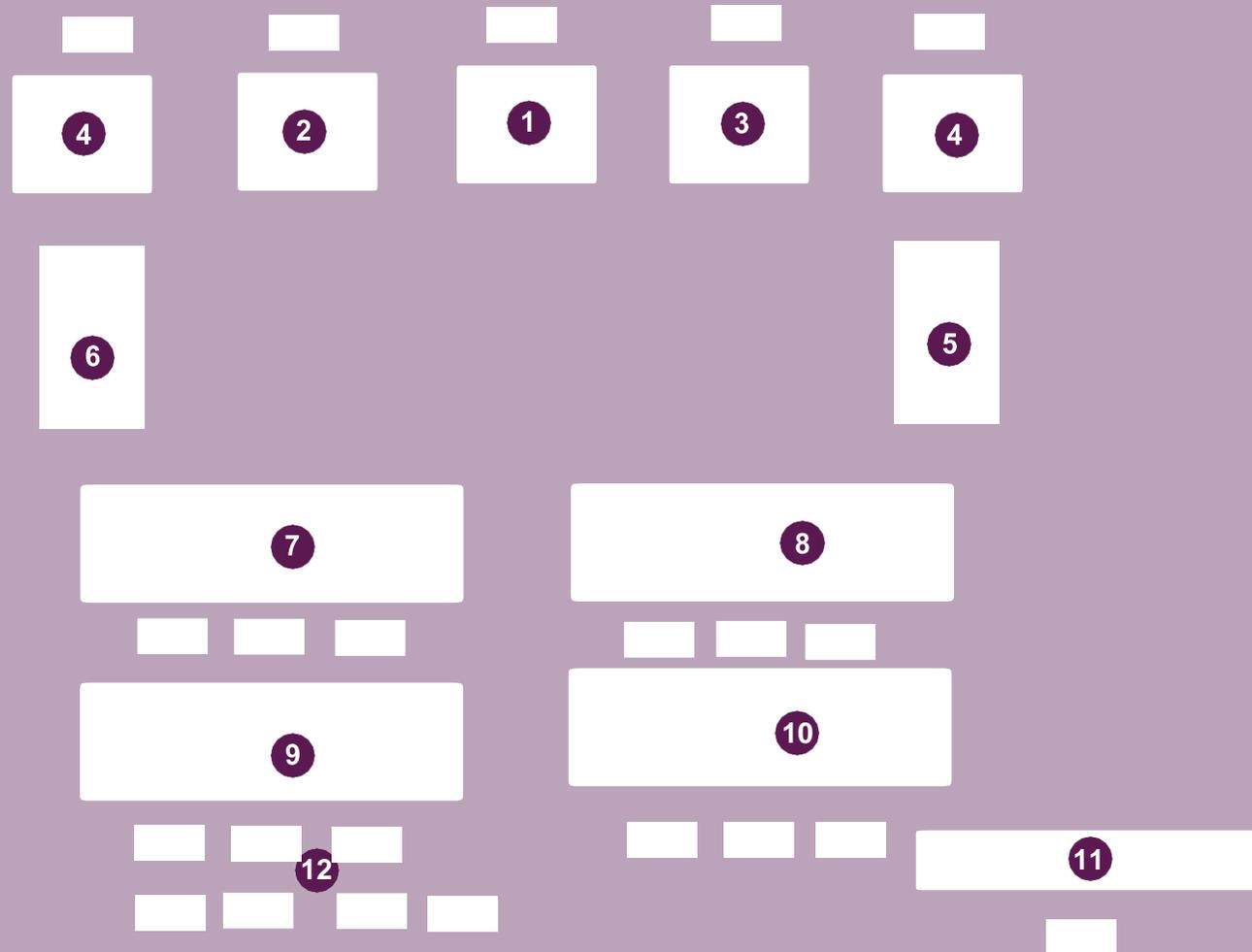
Our hearings assistant will come and collect you when it is time for you to give evidence.

The hearings assistant is there to help you if you have any concerns or need any help during the day.

### What does the hearing room look like?

The layout is similar to a court room, but it is less formal. Typically, this is the layout of the hearing room.

- 1 Chair
- 2 Legal adviser
- 3 Committee Secretary
- 4 Panel members
- 5 Witness
- 6 Logger
- 7 Dental professional & Lawyers
- 8 GDC Lawyer
- 9 Dental Professional Legal Team
- 10 GDC Legal Team
- 11 Hearings Assistant
- 12 Public Seating



## People in the hearing room

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### 1 Chair

The chair will be an experienced panel member who runs the proceedings to make sure the hearing is fair.

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### 2 Legal adviser

The legal adviser is an experienced barrister or solicitor who advises the committee. The legal adviser does not play any role in the committee's decision-making.

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### 3 Committee secretary

The committee secretary will be responsible for making sure that the hearing runs appropriately. They may become involved in helping the committee settle witness related issues during the course of the hearing. The committee secretary does not play any role in the committee's decision-making.

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### 4 Panel members

The panel members are all independent of the GDC and completely impartial. They will include at least one dental professional and one person who is not a dental professional.

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### 5 Witness

This is where you as a witness will sit when you are called to give evidence.

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### 6 Logger

The logger is responsible for making sure the hearings recording system is working so that there is a record of what has been said.

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### 6 Dental professional and their lawyer

The dental professional's lawyer is usually a barrister or solicitor and is sometimes referred to as 'defence counsel'. This lawyer will ask the witnesses questions. Sometimes a dental professional will not have a lawyer and will ask questions themselves.

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### 7 Our lawyer (GDC)

The GDC's lawyer will be a barrister or solicitor, and is sometimes referred to as 'prosecuting counsel'. This lawyer will ask the witnesses questions.

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### 8 Dental professional's legal team

### 9 Our legal team (GDC)

The legal teams are responsible for preparing the case for us. This is usually one lawyer, but they may be accompanied by a paralegal or legal assistant.

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### 10 Hearings assistant

The hearings assistant will inform you when it is your turn to give evidence. While you are waiting, you can ask the hearings assistant for help if you need anything. If you leave the waiting area for any reason, let the hearings assistant know.

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### 11 Public seating

If the hearing is open to the public, members of the public and the press sit here. If you have brought someone with you, they can sit here. The witness support officer may sit here if they are needed at the hearing.

## What happens when I give evidence?

When you are called to give evidence, the hearings assistant will take you to the hearing room and show you to the witness chair. Before you sit down to give your evidence the hearings assistant will ask you how you want to take an oath to tell the truth. If you are religious, you can take an oath on a holy book of your choosing.

The following texts are available:

- Jewish (on the old Testament);
- Christian (on the new Testament);
- Muslim (on the Quran);
- Hindu (on a Gita); or
- Sikh (on the Gutka).

If you are of a different faith, let us or the Witness Support Officer know before the date of the hearing so that the appropriate text can be made available.

If you do not want to take a religious oath you can read out an 'affirmation' to confirm that the evidence you are about to give will be the truth. If you have any difficulties reading the oath or affirmation, the hearings assistant can help.

Once you have taken the oath or affirmation you will be asked to sit down. The chair of the committee will then introduce themselves and the rest of the committee to you and the legal representatives.

You will be asked to confirm your name and details to the committee before you start giving evidence, we normally protect the identify of patients and other non-professional witnesses. If this applies to you, you will be told how this will be done by the chair of the committee or our lawyer (or the lawyer acting on behalf of the dental professional, if you have been asked to attend by them). Normally you will be asked to look at a witness schedule to confirm who you are.

These details will not be made public and you might be called, for example, 'Person A', 'Patient B' or 'Witness 1' or something similar.

When giving evidence and answering questions, you may be asked not to reference others by their names, in this situation you should use 'Person A', 'Person B', or 'Witness 1' etc. as detailed in the witness schedule.

The hearing is digitally recorded and will be retained electronically as a record of the hearing. This may be used to create a transcript of the hearing at a later date.

**Please remember**, when answering questions, you should speak clearly and slowly into the microphone so everyone can hear your evidence and a record can be made.



### How will the questions be asked?

The first person who will ask you questions will be the GDC lawyer. The questions will be based on your witness statement, the lawyer may need to ask questions about other matters (this is called examination in chief).

Our lawyer may also refer you to documents provided to support your witness statement. These documents will either be handed to you by the hearings assistant and you will be asked to identify them, or the lawyer will refer you to a bundle of documents placed on the witness table. Our lawyer will then ask the committee for permission to make these documents 'exhibits' to the hearing. If the committee agrees, copies can then be distributed to the committee and referred to throughout the hearing.

If the dental professional is present, they or their lawyer (if they have one) will ask you questions. Their questions will most likely focus on parts of your evidence that they want you to clarify or they do not accept (this is called cross-examination).

Cross-examination is an essential part of a fair hearing as the dental professional or their lawyer will want to test the evidence you have provided to make sure it is accurate, or they may want to put another version of events to you, for your comment.

If the dental professional is representing themselves, they can question you, except in certain cases (for example, if you are the alleged victim of a sexual assault).

As soon as the dental professional or their lawyer has finished questioning you, our lawyer will have an opportunity to ask you further questions.

The committee will ask you a final set of questions. The committee's questions will be designed to clarify the issues and better understand the evidence you have already given.

If the dental professional or their lawyer asked you to give evidence, the process will be the same except that the first person to ask you questions will be the dental professional or their lawyer.

The dental professional or their lawyer will be able to ask you further questions arising out of the committee's questions. Our lawyer will also be able to do the same.

The chair (helped by the legal adviser) will make sure that the hearing is managed fairly and the questioning is not unreasonable or hostile.

Nobody will be allowed to raise their voice at you while you are giving evidence, but the questions may come across as challenging and you may feel under pressure. Nobody will be able to ask you questions which are unfair, offensive or distressing.

**Please remember**, you can take your time to answer the questions, and if necessary you can ask for a break.



### What happens if I am asked to leave the hearing room midway through my evidence?

If, at any point while you are giving evidence, the committee needs to consider any matter in private, the hearings assistant will take you to wait in a separate room (if one is available) or the witness waiting room.

It is very important that you do not discuss your evidence, or the case itself, with anyone else (whether they are involved in the case or not) while you are waiting to go back and continue giving evidence.

### What is an adjournment?

An adjournment is a break in the hearing. The hearing may have to adjourn from time to time (for example, for lunch, for refreshment breaks, or at the end of each day if the hearing is due to last for more than a day).

The committee may also adjourn for a longer period to gather extra evidence, if anyone involved in the proceedings becomes ill, or because it has overrun the days set aside for it. If you have not finished giving evidence by the date the hearing is scheduled to end, we will ask you to attend again on new dates. We will make sure that you can make the new dates before we confirm them. We try to avoid this happening and will not ask you to start giving evidence if we do not think you will finish in time.

As explained previously, it is extremely important to remember that you must not talk to anyone about the case or about your evidence during any adjournment. This includes anyone who is involved with the case, as well as friends or family. If you break this rule, it could seriously affect the outcome of the case.

You will be able to talk about the case, once the hearing has finished and the committee has made their decision.

### Important things to remember when giving evidence!

- Listen carefully to the questions and make sure you understand them before giving your answer.
- If you don't understand the question, say 'I don't understand. Can you ask me that again in a different way?'
- If someone asks you the same question again and you still don't understand it, it is alright to say 'I am sorry, but I still don't understand'.
- If someone asks you two or three questions together, you can ask them to repeat the questions one at a time.
- Don't try to answer a question if you don't know the answer or you cannot remember.
- If you are asked the same question again, this does not mean your first answer was wrong. Just answer the question again.
- Answer the questions as slowly and clearly as you can, so everyone can understand and a record of what you have said can be made.
- Give all your answers to the committee, even if the questions are being asked by the lawyers or the dental professional.
- If you need to take a break while giving evidence, don't be afraid to ask for one.
- If the committee has to adjourn for a break or at the end of the day and you have not finished giving evidence, you must not speak to anyone about your evidence or the case.
- If you have any particular needs or times you need to leave by, let us or the Witness Support Officer know, before the hearing, so this information can be passed to the chair and the committee secretary.



## Section 5

### After the hearing

#### What happens after I have given evidence?

When you have finished giving evidence, The GDC lawyer will ask the committee to confirm whether you can be released from your duty as a witness.

If there is any chance you may be needed later, perhaps to give further evidence (such as details about the dental professional's employment history when the committee is deciding on the action to take), you will not be released until you have given that evidence, which means you may need to come back on another day.

The same principle will apply if you are the dental professional's witness.

When you have been released, you can either leave or stay to listen to the rest of the case. If you want to stay, you will be shown where you can sit. If you choose to stay, we will not refund any extra costs arising as a result of this (for example, if by staying you miss your booked train home or for additional food).

If you choose to leave after giving evidence, the hearings assistant will show you out of the room.

When the hearing has finished, we will tell you the outcome. When we contact you will depend on how long the hearing goes on for, but we aim to contact you as quickly as possible. If the hearing does not conclude in its scheduled listing we will let you know when you can expect to get the outcome of the case.

We will publish the committee's decision on our website. Whatever the outcome of the hearing, we will send you a letter to explain the decision and thank you for your help.

In a few cases, you may have to attend a hearing again (for example, if we or the dental professional appeals against the decision). We will let you know if this happens, however, this is not likely and you would not be needed in all appeals.

We will seek your feedback on your involvement in the investigation and hearing and would be grateful if you can complete this so that we can improve how we support witnesses. We are keen to ensure that the process is as easy for a witness as it can be and your feedback is vital to our achieving this. You can, of course, feedback at any point by contacting the lawyer in your case or the Witness Support Officer.

#### What kinds of action can the committee take?

The committee cannot award compensation.

The committee can do any of the following:

#### No impairment

The committee may say that while the dental professional has been found guilty of misconduct, deficient professional performance, conviction or caution or had a health issue, that the dental professional's fitness to practice is no longer impaired by way of that. In these cases no sanction is imposed.

#### Reprimand

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

#### Conditions

This is where conditions are applied to the dental professional's work for a set period of time. The conditions may include that the dental professional must undertake further training and give evidence to prove that they are taking steps to improve. Conditions usually have to be reviewed within a certain time.

#### Suspension

This is where the committee suspends the dental professional's registration. This means that the dental professional cannot work as a dental professional for a set period of time. Suspensions usually have to be reviewed within a certain time.

#### Erasure

This is the most serious course of action as it removes the dental professional from the register. This means they can no longer work in dentistry in the UK. The dental professional can reapply to be on the register after 5 years, but must prove that they are fit to practise.

## How should I claim my expenses?

Your contact in the legal team handling your case will be responsible for dealing with your claim. They will send you details of how to claim back your out-of-pocket expenses (for example, rail, tube or taxi fares and food costs) for the period of time during which you need to attend a hearing. You should return your filled-in expense claim form with supporting documents (for example, tickets and receipts).

If you choose to attend the hearing on days you are not giving evidence, this will be at your own expenses.

The GDC's expenses policy and a claim form will be issued to you when the legal team confirm your attendance at the hearing is required, if you do not receive this, please contact us. The policy details allowable expenses and maximum values claimable. Your expenses claim will be assessed for reasonableness even if individual amounts are under the values stated in the policy. Please keep all original receipts to submit with your claim, we recommend that you keep copies for your own records.

## How can I give feedback?

We are very grateful for your help and involvement in the hearing. Without your help, we would not be able to carry out our legal duty to protect the health and well-being of the public.

### We would welcome:

- your feedback on how we can improve the process and the service we provide to support witnesses; and
- any comments you might have about your experience as a witness.

Please let us know what you think by contacting the Witness Support Officer. **The contact details are at the front of this guide.**



## Section 6

### Useful information

#### Glossary of legal terms

Some legal terms may be used in documents or at the hearing which you may not be familiar with. Here is a list of some of those words and their meaning.

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<b>Adjourn</b>	A hearing is adjourned when it stops for a break. The break is known as an 'adjournment'.  The hearing will adjourn for lunch or short breaks and at the end of each day (if the case lasts for more than a day). The hearing may also be adjourned for a set time while extra evidence is gathered, if any of the people involved in the hearing become ill and cannot attend, or if the hearing has overrun.
<b>Allegation</b>	The accusation made against the dental professional.
<b>Caseworker</b>	The person responsible for organising and managing the case.
<b>Case examiner</b>	A GDC employee who decides about a case after an investigation. One of the decisions they can make is to refer a case for a hearing. Each case is considered by a pair of case examiners (one lay and one a dentist or dental care professional).
<b>Charge</b>	The list of allegations against the dental professional.
<b>Chair</b>	The person who is the head of the committee and is responsible for making sure the hearing is run properly.
<b>Committee</b>	A group of people who make decisions about the dental professional's fitness to practise. All our committees include at least one dental professional and one lay person (someone not involved in the dental profession).
<b>Committee secretary</b>	A GDC employee who advises the chair on the procedure for the hearing.
<b>Complainant</b>	A person who makes a complaint about a dental professional to the GDC. A complainant may also be called an informant.

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<b>Conditions</b>	A sanction available to the Committee where there is a finding of impaired fitness to practise. The committee can place restrictions on a dental professional's ability to practise. Generally, conditions will be reviewed prior to their expiry. For example, the dental professional could be prevented from providing certain treatments for a set period of time or have to undertake further training.
<b>Cross-examination</b>	This is where a person is questioned by lawyers and/or the committee while giving evidence.
<b>Defence counsel</b>	A barrister or solicitor who represents the dental professional at the hearing.
<b>Determination</b>	The committee's decision, including reasons, read out at the end of the case. A written copy is also published on the GDC's website <a href="http://www.gdc-uk.org">www.gdc-uk.org</a> .
<b>Dental care professional (DCP)</b>	A person who works in dentistry. This includes dentists, dental nurses, dental technicians, clinical dental technicians, orthodontic therapists, dental therapists, and dental hygienists.
<b>Dentists Register and Register of DCPs</b>	The registers of dental professionals who are able to work as a dental professional in the UK.
<b>Erasure</b>	A measure where the committee removes the dental professional's name from the Register of Registered Dental Professionals, meaning that they cannot work as a dental professional.
<b>Evidence</b>	Either what a witness (including the dental professional and the complainant) says at the hearing and/or documentary evidence (photographs, dental records and so on) that is presented at the hearing.
<b>Expert witness</b>	A witness who can give opinions on any matter within a field that they are an expert in. An expert usually provides a report prior to giving evidence instead of a witness statement.
<b>Findings of facts</b>	This is where the committee decides, after it has heard all the evidence, whether each allegation has been proved.

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<b>Finding of impairment</b>	Once the committee have found the facts proved they go on to consider if, because of the facts proved, a dental professional's ability to work is affected by what was proved. This is called 'impairment'. If a dental professional receives a finding of impaired fitness to practise the committee will go on to consider whether to impose a sanction.
<b>Fitness to practise</b>	The dental professional's ability to carry out their duties.
<b>Hearings assistant</b>	A GDC employee who provides administrative support to the committee. They welcome all people taking part in the hearing and direct them to the appropriate waiting rooms. The hearings assistant is available throughout the day to answer any questions.
<b>Informant</b>	A person who raises concerns about a dental professional to the GDC. An informant may also be called a complainant.
<b>Interim order</b>	A measure where the committee places conditions or suspends a dental professional's work on a temporary basis. This must be reviewed every 6 months.
<b>Investigating Committee</b>	A group of people who make a decision about a case after an investigation. One of the decisions they can make is to refer a case for a hearing.
<b>Lay member</b>	A member of the committee who is not a dental professional.
<b>Legal adviser</b>	An experienced independent barrister or solicitor who advises the committee.
<b>Logger</b>	A person who ensures the digital recording of the hearing is taking place. The electronic record of the hearing may be used to create a transcript of the hearing at a later date if required.
<b>Panel</b>	Another name for a committee.
<b>Prosecution counsel</b>	A barrister or solicitor who represents the GDC at the hearing.

<b>Registrant</b>	A person whose name appears on the register and so can work as a dental professional.
<b>Reprimand</b>	A measure where the committee makes a statement disapproving of the dental professional's actions or failures, but the dental professional is still fit to practise with no restrictions on their work, so no other action needs to be taken.
<b>Respondent</b>	The dental professional a complaint has been made against.
<b>Sanction</b>	The action the committee takes against the dental professional. The action could be: <ul style="list-style-type: none"> <li>• a reprimand, where the committee states their disapproval but the dental professional is still fit to practise with no restrictions on their work;</li> <li>• conditions, where conditions are set on the dental professional's work for a set period;</li> <li>• suspension, where the dental professional cannot work for a period of time; or</li> <li>• erasure, where the dental professional is removed from our register and is unable to practice dentistry in the UK.</li> </ul>
<b>Practice committee</b>	The committee which makes decisions on allegations. We have three practice committees relating to professional conduct, health and performance.
<b>Suspension</b>	A measure that removes the dental professional's right to practise for a set period of time.
<b>Undertakings</b>	A measure where the case examiners require a dental professional to do or not do certain things. For example, the dental professional could be prevented from providing certain treatments for a certain period or have to take further training.
<b>Witness Support Officer</b>	A GDC employee who provides help and support to all witnesses attending hearings.

## Useful contacts

There are several organisations that can help and support witnesses. This is a selection of useful contacts.

Many cover the whole of the UK but, where appropriate, we have listed details for the equivalent organisation in Scotland, Wales and Northern Ireland.

### Action against Medical Accidents (AvMA)

This is an independent charity which provides free specialist advice on complaints about public and private healthcare if it is suspected that harm has been caused or there is a threat to the safety of patients. Trained experts can offer guidance on the right to different kinds of investigations, processes (for example, inquests), legal action and procedures relating to health and care professionals' fitness to practise. They can also explain medical or legal jargon. Where necessary, AvMA can refer you to specialist lawyers or other sources of support.

**Phone:** 0845 123 2352

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

### Citizens Advice

Citizens Advice helps people with their legal, money and other problems by providing free, independent and confidential advice.

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

### The Clinic for Boundaries Studies

This is the only organisation in the UK working around all aspects of professional boundaries (limitations) and the preventing people from breaking those boundaries.

**Phone:** 020 3468 4194

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

### Information Commissioner's Office

The Information Commissioner's Office can give you advice on seeing your personal medical records.

**Phone:** 0303 123 1113

**Website:** [www.ico.gov.uk](http://www.ico.gov.uk)

### Scottish Information Commissioner

**Phone:** 01334 464 610

**Website:** [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

### Community Health Councils (CHCs) in Wales

**Phone:** 0845 644 7814

**Website:** [www.wales.nhs.uk](http://www.wales.nhs.uk)

### Law Centres Federation

Services for people who cannot afford a lawyer.

**Phone:** 020 7749 9120

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

### Mind

Providing advice on advocacy for people with mental health issues.

**Phone:** 0300 123 3393

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

**Email:** [contact@mind.org.uk](mailto:contact@mind.org.uk)

### **NHS Complaints Advocacy**

This is a national service that supports people who want to make a complaint about NHS care or treatment.

**Phone:** 0300 330 5454

**Website:** [www.nhscomplaintsadvocacy.org](http://www.nhscomplaintsadvocacy.org)

### **Northern Ireland Ombudsman**

**Phone:** 0800 343424

**Website:** [www.ni-ombudsman.org.uk](http://www.ni-ombudsman.org.uk)

### **Parliamentary and Health Service Ombudsman**

This organisation carries out independent investigations into complaints made about the NHS in England and UK government departments and their agencies.

**Phone:** 0345 015 4033

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

### **Public Services Ombudsman for Wales**

**Phone:** 0300 790 0203

**Website:** [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

### **Scottish Public Services Ombudsman (SPSO)**

**Phone:** 0800 377 7330

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

### **Patient Advice and Liaison Service (PALS) in England**

PALS officers provide information on, and explain, NHS complaints procedures and how you can get in touch with someone who can help. You can contact them by phoning your local hospital, clinic, GP surgery or healthcentre.

**Website:** [www.nhs.uk](http://www.nhs.uk)

### **Patient Advice and Support Service (PASS) in Scotland**

**Website:** [www.cas.org.uk/patientadvice](http://www.cas.org.uk/patientadvice)

### **Samaritans**

A registered charity which provides emotional support to anyone in emotional distress.

**Phone:** 08457 90 90 90

**Website:** [www.samaritans.org](http://www.samaritans.org)

### **Victim Support**

This is a national charity giving free and confidential help to victims of crime, witnesses, their family and friends, and anyone else affected across England and Wales. Victim Support is not a government agency or part of the police. You can get help from them any time after the crime has happened, even if it was several years ago. They have offices throughout England and Wales.

**Phone:** 08 08 16 89 111

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

## How to find us

### General Dental Council

37 Wimpole Street  
London  
W1G 8DQ

### Google map location

#### Closest mainline stations:

Euston, King's Cross, Paddington,  
Marylebone, St Pancras International.

#### By tube:

Bond Street, Regents Park, Oxford  
Circus, or Baker Street.

#### Bus routes:

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

#### Parking:

There are car parks in Cavendish Square  
and Marylebone Lane, both a five-minute  
walk away.

Our offices are within the congestion-  
charge zone. For more information on the  
congestion charge, visit:

[www.cclondon.com](http://www.cclondon.com)

## Other hearing venues

### Etc.venues

Liverpool Street  
Bishopsgate Court  
4-12 Norton Folgate  
London E1 6DQ

### Google map location

#### Closest mainline station:

Liverpool Street

#### By tube:

Liverpool Street

#### For more information visit:

[www.etcvenues.co.uk/venues/norton-folgate](http://www.etcvenues.co.uk/venues/norton-folgate)

### CCTV Venues

Two East Poultry Avenue  
Smithfields  
London  
EC1A 9PT

### Google map location

#### Closest mainline station:

Farringdon

#### By tube:

Farringdon

#### For more information visit:

[www.cctvenues.co.uk/venues/smithfield](http://www.cctvenues.co.uk/venues/smithfield)

Check your dental professional is registered:  
[www.gdc-uk.org](http://www.gdc-uk.org)

We want to make sure that everyone has access to our services.

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

**GENERAL DENTAL COUNCIL**

37 Wimpole Street London  
W1G 8DQ

Phone: 020 7167 6000  
Email: [information@gdc-uk.org](mailto:information@gdc-uk.org)  
Website: [www.gdc-uk.org](http://www.gdc-uk.org)

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