

Changes to the timescales for the Rule 4 process

Consultation

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Consultation

Changes to the timescales for the Rule 4 process

Overview

A consultation on a proposed pilot of changes to timescales for the Rule 4 process¹, part of the overall Fitness to Practise process, which include providing registrants and their representatives, under certain circumstances, the opportunity to request to extend the period for the preparation of their observations at the Rule 4 stage, to ensure the best possible evidence can be provided.

Consultation period and deadline for responses

This consultation exercise was opened on 7 June 2019.

The deadline for responses is 7 September 2019.

How to respond

Please respond to this consultation by visiting <https://gdc.onlinesurveys.ac.uk/changes-to-the-timescales-for-the-rule-4-process>.

You can also submit your response by email, please include the name of the consultation in the subject line of your email: stakeholder@gdc-uk.org.

If you would like to submit your response by post, please address it to:

General Dental Council
Strategy Directorate
37 Wimpole Street
London
W1G 8DQ

Responding to your views

The GDC will respond to views raised during the consultation by producing a consultation outcome report. The report will be published on the GDC website.

Contact us

If you have any questions or queries about this consultation, please email:
stakeholder@gdc-uk.org
Phone: 020 7167 6330

¹ If the pilot is determined as meeting its objectives we would proceed to roll-out without further consultation

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Introduction

Through the End-to-End Review, the GDC is looking to improve its Fitness to Practise (FtP) function to ensure the process is as efficient, fair and proportionate as possible. One key area of focus for the GDC is the overall timescales of FtP case progression. We want to ensure that in every case the time between the registrant being aware of a concern and a final decision is not unduly delayed.

During the End-to-End Review several organisations made clear that the current timescales for responding to information as part of the 'Rule 4' process were challenging. The Rule 4 process currently allows 28 days for the registrant to provide any observations to the allegations. Registrants do not have to provide observations, but most do.

The Rule 4 process provides the registrant with an opportunity to submit their comments in response to the concern that has been raised. The observations, if provided, are considered and included in the material used to determine whether the concern can be concluded by the case examiners or if it should be referred to a practice committee hearing.

Several organisations have advised us that on occasion, 28 days can be insufficient time for the registrant and their representative organisation to identify, prepare and provide observations. Their concern is that they are not able to provide all the relevant information within 28 days that would assist the GDC in making a well-reasoned, well-evidenced decision.

We are sympathetic to the time pressures faced by registrants and their representatives. Extending the time frame (for certain cases) to ensure the best possible evidence can be provided aligns with our view that we need to be fully informed of all relevant facts as early as possible.

However, in our opinion, extending the timescale for every case would be inappropriate, as it may add unnecessary delay to the decision-making process which may be detrimental to patient protection. Our proposal therefore is to provide the registrant and their representative, under certain circumstances, the opportunity to request to extend the period for the preparation of their observations.

If this additional time is granted at the Rule 4 stage, we need to ensure that it does not have an adverse impact on the overall time taken for the case to reach a hearing. In order to ensure that the mechanism outlined below is not invoked excessively with little, if any impact on the quantity of relevant additional information for decision makers, we propose to adopt any changes for an initial 9-month pilot period to allow for full evaluation of any impact, intended or unintended. Following this review we would then either adopt, suggest amendments to or discontinue the proposals.

Proposed changes

It is proposed that requests for a 14-day extension to the Rule 4-time limit will usually be granted for cases involving clinical concerns where the registrant has no other FtP matter being actively considered at any stage. If the registrant has one or more other cases actively being considered by FtP they may request an extension, however the GDC reserves the right to decline the request.

In addition, we would seek to disclose details of any clinical assessment that had been sought in advance of the full 'Rule 4 Bundle' being made available. This could provide up to an additional five working days for registrants and their representatives to consider and prepare a response to any clinical concerns that may have arisen.

Further procedural detail on how to request an extension together with timescales for the GDC to respond will be developed if these proposals are taken forward.

We believe our proposals provide a sensible response to the feedback we have received. They balance the requirement to minimise the period that a registrant's case is held within the FtP process against our requirements to have as much relevant information to enable us to make an informed decision as early as possible.

By increasing the time for registrants to obtain and provide evidence in response to the allegations at the Rule 4 stage we need to be satisfied that this enables registrants and their defence organisations to provide materially improved responses to any allegations; otherwise we would simply be adding extra time to the entire FtP process which we are striving to avoid.

If our proposals were taken forward, we would begin by piloting the process for a 9-month period, followed by a review of the pilot before determining whether to continue.

Whilst the GDC is not required to consult on these proposed changes, it considers that to do so in this particular case would be beneficial to ensure that we have accurately captured and appropriately responded to the essence of the feedback provided to us post the implementation of changes to the Rule 4 process arising from our previous consultation and to ensure that we are clearly sighted on the views of stakeholders in respect of the changes to the process.

We would welcome your views on our proposals, and we would particularly welcome responses to the following questions.

Consultation questions

Please respond to this consultation by visiting <https://gdc.onlinesurveys.ac.uk/changes-to-the-timescales-for-the-rule-4-process>.

1. To what extent do you agree with the proposal that the registrant and their representative are provided with the opportunity to request additional time to provide observations at the Rule 4 stage?
2. To what extent do you agree with the proposal that GDC should disclose any clinical assessment to the registrant in advance of the full 'Rule 4 Bundle'?
3. With the additional time at Rule 4 stage, what further information do you envisage being able to provide by way of observations?
4. It is important that we can engage all registrants on our proposals including unrepresented registrants. Do you have a view on how we can better support unrepresented registrants?
5. Do you have any suggestions for how we could further assist the registrant and their representative to provide full and complete observations at the Rule 4 stage but overall, minimise the time that a registrant's case is held within the FtP process?
6. Do you have views regarding how the proposal could be further enhanced? Are there alternative options you wish to share?
7. To what extent do you agree that our proposals would be effective for you?
8. Do you have any other comments?

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