General Dental Council

GDC consultation response

Professional Standards Authority's consultation on the Standards of Good Regulation and Standards for Accredited Registers

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About the GDC

The General Dental Council (GDC) is the UK-wide statutory professional regulator of more than 125,000 members of the dental team, including over 45,000 dentists and over 79,000 dental care professionals.

Dental professionals must be registered with the GDC to practise dentistry legally in the UK. Unlike other health professional regulators, we register the whole professional team, across the four nations of the UK, including dental nurses, clinical dental technicians, dental hygienists, dental technicians, dental therapists, orthodontic therapists and dentists.

Our primary objective is to protect the public, and in doing so to:

- Protect, promote and maintain the health, safety, and wellbeing of the public.
- Promote and maintain public confidence in the professions regulated.
- Promote and maintain proper professional standards and conduct for members of those professions.

All patients should be confident that the treatment they receive is provided by a dental professional who is properly trained, qualified, and meets our standards. To achieve this, we register qualified dental professionals, set standards for the dental team, investigate complaints about dental professionals' fitness to practise, and work to ensure the quality of dental education.

Consultation response

Section 1: About you and/or your organisation

Questions 1 to 8 asked for details about the individual and organisation responding to the consultation. These details were submitted using the online form.

The responses below reference the question numbers used in the Public Standards Authority (PSA) public consultation, Standards Review: Standards of Good Regulation and Standards for Accredited Registers.

Section 2: Are the Standards looking for the right things?

Question 13: Do you agree that the Standards are an effective way of assessing and reporting the performance of regulators and registers?

The GDC's view is that Standards have been an effective way of assessing and reporting performance in the areas that they cover. However, it is timely to review whether the Standards cover the correct issues for assessing a regulator effectively in the modern context. For example, the Standards currently have a greater focus on the operational delivery of regulatory functions such as fitness to practise, and less focus on regulatory effectiveness, particularly

with regard to improving public protection. In some cases, the standards may seem to focus more on process rather than outcomes or impact on patient protection and public confidence.

Question 14: To assess the performance of regulators and drive improvements in regulation for the benefit of the public what should be keep, change, add or remove in the Standards of Good Regulation?

The GDC would like this review to:

- consider whether the scope covered by the Standards is appropriate to properly assess the performance of a regulator
- explore how the Standards can drive improvement where needed
- explore the assessment process to determine whether it properly tests the regulator against each Standard
- strengthen the link to what is being assessed, the evidence and benchmark used, and the patient/public protection outcomes
- explore whether the current pass/fail judgement on a Standard is the most useful way of articulating the performance of a regulator, or whether a more nuanced or graded approach would provide a better and more transparent reflection of performance.

It is important to ensure that each Standard is tested so that it can be clearly demonstrated that it:

- is based on the best available evidence
- is risk-based
- is structured and worded to drive improvement in performance where appropriate
- has a clear link to outcomes and public protection, and
- is structured and worded to provide clarity of the evidence assessed within the standard.

And in order to build trust, the PSA should be transparent if and when a Standard does not meet these criteria.

The GDC believes that each of the Standards needs to be tested thoroughly against the criteria and factors set out above. This will help identify which Standards should be kept, changed, added to or removed.

Question 15: To accredit registers and drive improvement in registration for the benefit of the public, what should we keep, change, add or remove from the Standards for Accredited Registers?

The GDC does not have a view on the detail of this issue. However, it supports a high level of consistency, where appropriate, between the Standards for Accredited Registers and the Standards for Good Regulation in order to benefit public protection.

Question 16: Do you have any suggestions on how we can make our Standards fit for the future?

The GDC would like to see more focus and weight given in Standards for prevention compared to, for example, restriction of practice. The GDC's view is that Standards need to enable and encourage the improvement of upstream regulation as this will help improve patient protection

as well as better support the professional workforce. It will also give an assessment of this important component of the Regulator's role.

In addition to the answer to Question 14 above, consideration also needs to be given to known or anticipated technological advances such as Artificial Intelligence and its potential impact on the health and care system.

Question 17: Do you have any other comments or suggestions to further strengthening the Standards? (Please avoid repeating comments already detailed earlier in your answers.)

The GDC needs the PSA to be transparent of the cost implications for regulators and the benefits to the public from strengthening existing standards and introducing new ones.

Section 3: Alignment of Standards of Good Regulation and Standards for Accredited Registers

Question 18: Do you think the Standards should be aligned as much as possible?

The GDC supports the proposal to align the Standards as far as is possible. This will help understanding and transparency of the system, and consistency between areas. However, it is unlikely that this will meet PSA's aim of improving the public understanding of the difference between Regulators and Accredited Registers.

Question 19: Do you agree with/disagree with our proposals on alignment?

Outcome focused Standards

The GDC agrees with the proposal for alignment regarding outcome focused standards.

Flexibility in how the Standards are met

The GDC agrees with the principle of flexibility being allowed in how Standards are met, and recognises that a 'one size fits all' approach may not serve all regulators. However, in allowing flexibility the GDC needs to ensure that fairness and a degree of consistency is maintained in order to secure confidence in the system.

Professional standards and guidance are kept up-to-date and informed by evidence

The GDC supports the use of evidence in informing and updating standards. The GDC's view is that evidence is the foundation of a robust regulatory system.

The GDC also recognises that evidence may be lacking in some cases. The PSA should be transparent when the evidence is lacking as well as striving to improve the evidence base.

Section 4: Clarity, accessibility and transparency

Question 20: Are there any Standards of Good Regulation you find difficult to understand?

The GDC is content with the wording of the Standards, while mindful that, as a regulator working on these Standards routinely with regular discussions with the PSA, that others may have a different view. The GDC would be interested to learn the views of the public and other stakeholders on this question.

The GDC believes there is scope to frame the Standards so that they link more clearly to the core functions of the regulator and public protection. This is important to maintain the focus on protecting the public, and in building public trust in the regulatory system.

Question 21: Are there any Standards for Accredited Registers you find difficult to understand?

Not applicable.

Question 22: Could you tell us the areas where you think there is an unhelpful overlap in our Standards?

Not applicable.

Question 23: Is it clear how we assess whether a regulator or Accredited Register has met the Standards?

The PSA needs to be more explicit about what their expectations are regarding the assessment of Standards, and this will allow regulators to better understand how they are performing in relation to meeting them. The GDC understands that currently the PSA does not set specific targets or criteria on data set values but assesses these on trends, combined with other publications and information provided directly by the GDC. However, the GDC needs the PSA to be more explicit about what its expectations are.

The GDC's view is that the current assessment process could be made clearer overall. It is clearer for Standard 3 which is helpful, however every indicator and outcome needs to be met in order to satisfy that standard. The GDC would like to see a more nuanced approach than the current pass/fail judgement as this would provide a better reflection of the performance of the regulator.

The use of the evidence matrix for Standard 3 has been helpful in driving improvement. However, it is important to ensure that when Standards are amended to become more encompassing and detailed, that they remain focussed on outcomes, and do not slip into prescribing how those outcomes should be achieved.

The GDC would also like to see greater clarity on how evidence for each standard is considered with respect to factors such as:

- the adequacy and quality of evidence considered

- the relative weight given to stakeholder feedback (which needs to be systematic for robust conclusions to be drawn) compared to performance and other data from the Regulator, and
- greater transparency in how recommendations are formulated that are then provided to the panel.

A further issue is consideration of factors that fall outside the remit of the regulator that may impact on their performance. For example, waiting for the outcome of legal investigations may adversely impact on the regulator's ability to deal with a case promptly, however this factor is outside their control. The assessment of a Standard needs to take into account of such factors transparently.

Question 24: Do you agree/disagree with our proposals to remove unhelpful overlap in the Standards?

Standards for Accredited Registers

Not applicable.

Standards for Good Regulation

Whilst the GDC broadly supports the proposal to combine Standards 14 and 18 relating to raising concerns and being supported through fitness to practise complaints, it is important to note that whilst similar, these standards do capture two separate issues.

It will be important to ensure that any new, combined standard does not become so broad as to lose focus on the separate indicators, which could skew performance reporting. When using broad standards that encompass a number of different indicators, it will be all the more important to ensure that a more nuanced approach to articulating performance is adopted rather than the current pass/fail judgement, in order to provide a more transparent reflection of performance.

The GDC supports the proposal to separate out the two parts of Standard 15 about complaints about practitioners being 1) fair and proportionate and 2) timely. The GDC believes this change will bring individual focus to the two key issues concerning complaints about practitioners and may help enable a 'right first time' approach to applications and decisions, which will be better for everyone. It also presents the opportunity to reflect on how factors outside the control of a regulator can be taken into account (see answer to Question 23 above).

Section 5: New standards on culture and/or governance and/or leadership

Question 25: Do you agree/disagree that organisational governance, leadership, and culture are important components of ensuring regulation and registration works in the public interest?

The GDC agrees that organisational governance, leadership, and culture are important issues for regulators, and we recognise the benefit of learning from reports and inquiries from across the health and care sector. The GDC is very active in these areas, for example, recently completing a board effectiveness review as part of our work on leadership and governance, which will be published.

The GDC believes it is important for the GDC and other regulators to be closely involved with PSA's work in this area. It would be useful to explore what other potential solutions have been considered as an alternative to the creation of new standards, and their relative advantages and disadvantages. This could include amending existing standards relating to governance to cover these new concerns, or considering the outputs of existing performance monitoring, such as board effectiveness reviews. A robust case does need to be made for why framing these issues as standards would be the appropriate regulatory response compared to other available options, and how this will add value to the regulatory system and will benefit the public.

In particular, the GDC would like to have a better understanding of how the PSA has sought to qualify and quantify the risk to patients and the public, and how standards in these areas will mitigate that risk. This would give greater confidence in the value of standards being applied to these issues.

If further work is undertaken on these components, then a key issue is *how* these components will be measured. The GDC would like to avoid an assessment becoming a 'box ticking' exercise, which has no real impact on our statutory purpose. Critical to this is developing indicators that will effectively measure a regulator's performance on these components. These need to demonstrate a clear link from these indicators to the benefit to the patients, public and to staff. The GDC would also need transparency on potential cost implications from standards in these areas.

Question 26-28: Do you think Standards of Good Regulation should consider the:

- **governance of the organisation**
- **leadership of the organisation**
- **culture of an organisation**

The GDC is yet to be persuaded that the development of standards is the best way forward for these important issues. The GDC wants to see the persuasive case explaining how framing these issues as standards is the appropriate response and how this will benefit the regulatory system and protect the public.

In addition, it would be useful to understand why existing ways of monitoring and reporting on performance in this area cannot address the gap identified, for example amending Standard 4, using board effectiveness review outputs, PSA involvement in the appointment of board members and public reporting.

The GDC believes that the GDC and other regulators need to be closely involved in any development work.

Question 29: How do you think the PSA could assess the:

- **governance of an organisation?**
- **leadership of the organisation?**
- **culture of an organisation?**

As noted in the responses to Questions 25-28 above, the GDC is yet to be persuaded that the development of standards is the best way forward for these important issues, and all options need to be filly considered. If work does commence in this area, it will be critical to develop indicators that will effectively measure a regulator's performance on these components and

provide a clear link from these to benefit to the public. The GDC believes that the GDC and other regulators need to be closely involved in any development work.

Question 30: Should we include in the Standards an expectation that the regulators and Accredited Registers collaborate and share learning with fellow regulators or registers and other interested stakeholders?

The GDC greatly values information sharing and collaboration with regulators and other organisations across the health and care sector and from Accredited Registers.

However, the GDC would like to see the persuasive case made that explains how framing collaboration and shared learning within the standards framework is the appropriate response, and how it will deliver tangible benefits to the regulatory system and to the patient and the public. The GDC would welcome engagement and discussion with the PSA and the other health and care regulators on these issues.

Question 31: Which areas of collaboration do you think we should focus on?

The GDC does see merit in collaboration on, for example, emerging issues for regulators and/or the wider health and care sector, and would support exploring collaboration on research. The GDC would also like to encourage information sharing and collaboration on upstream regulation. However, our response to Question 30 remains important.

Section 6: Supporting public expectations for criminal records checks

Question 32: Do you think regulators and Accredited Registers should collect appropriate assurances around criminal convictions checks when registrants do not routinely have checks?

Regulators

The GDC agrees that safeguarding and protection of the public are key priorities for all regulators. However, the GDC is not able to support the proposal as drafted because our view is that it is not workable in practice, or that it will be possible to target these checks in the way the PSA assumes they can be targeted. The GDC does not think it would meet the PSA's stated aims of not repeating existing checks or of not introducing unnecessary burden. It is not clear what the roles and responsibilities of the system regulators, the professional regulators and the PSA will be, and it is not clear what the expected patient protection and public benefit would be.

The Care Quality Commission, and the systems' regulators in the other UK nations, play a vital role in safeguarding. It is not clear how giving new responsibilities on safeguarding to professional regulators would work alongside the existing responsibilities carried by the system regulators, and there is a risk it would weaken the system.

Furthermore, the timing of this recommendation appears premature. The Independent Review of the Disclosure and Barring Regime (2023) made a series of recommendations, including a recommendation regarding self-employed people. The GDC believes it important to hear the response from government to the Review before committing to change in this important area.

In addition to the above points, it is not clear how the proposal will result in improved outcomes for the public and for staff. As with the questions on governance, leadership and culture, it is unclear whether the PSA has sought to qualify and quantify the existing risk to patients and the public from a current lack of assurances, and to what extent completing one-off assurance checks on the entire registrant base is a proportionate response to that risk.

In light of the above, the GDC is not able to support the current proposal.

Accredited Registers

Not applicable.

Section 7: New Criteria for registers applying for accreditation

Question 34: Do you think we should amend the Standards we use in the first stage of assessment to include compliance checks for relevant legislation, such as equality, diversity, and inclusion, preventing modern slavery, or data protection?

Not applicable.

Question 35: Do you think we should have a more flexible process to be able to stop progressing an application at the first stage of assessment if there is a good reason to think that any of our Standards cannot be met?

Not applicable.

Additional Questions

Question 36: Which factors should we be considering in planning for implementation of any revisions to the Standards of Good Regulation and/or Standards for Accredited Registers?

The GDC would appreciate the opportunity for regulators to feed into proposed new and revised Standards as they are developed so that they can benefit from the input of all regulators. New Standards must clearly set out the patient and public benefits that they will bring. This is important, as the GDC and other regulators will need to consider carefully any implementation challenges, the associated costs and how those additional costs will be met against the expected public and patient benefit in order to secure support from our registrants who will, ultimately, bear those costs.

The GDC and other regulators will need to work closely with the PSA as the new standards are developed and implemented to establish the processes needed to satisfy the data requirements and system changes needed to support assessment.

Question 37: Do you think any of the proposals in this consultation could impact (positively or negatively) on any person with protected characteristics covered by the public sector equality duty that is set out in the Equality Act 2010 or by Section 75 of the Northern Ireland Act 1998 or on family formation, family life and relationships?

The GDC does not believe so, but these will need to be properly assessed against the relevant legislation when standards have been developed.

Question 38: Thinking about the groups described above or anyone else you think might be impacted, do you think our proposals will have any impacts on:

- **Opportunities to use the Welsh language**
- **Treating the Welsh Language no less favourably than the English language?**

It would be helpful to understand whether the question refers to the PSA's responsibilities on issues, or refers to the regulators' responsibilities? The GDC would welcome clarity on the role of the PSA in assessing regulator performance on these issues.

None or neutral impact, but the GDC would like to hear the views of other stakeholders on these issues.

Question 39: Do you think that there are ways in enhance the positive impacts or reduce the negative impacts of our proposals on:

- **Opportunities to use the Welsh language**
- **Treating the Welsh Language no less favourably than the English language?**

None or neutral impact, but the GDC would like to hear the views of other stakeholders on these issues.