# GDC Fitness to Practise Panel Frequently Asked Questions (FAQs)

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Th	The assessment process	
1	Location	An assessment will take place in the fortnight 29 June to 10 July (Monday to Friday) in London. The application form will ask you to note any dates you are not available. Further, we are currently considering how the assessment might take place remotely, if COVID-19 restrictions remain in place.  No alternative dates can be offered for a panel assessment.
2	What is involved?	<ul> <li>The assessment will last half a day, either morning or afternoon.</li> <li>You will be handed a case study to read on arrival.</li> <li>You will then participate in a three-person in-camera discussion with two other candidates, chaired by an experienced panellist.</li> <li>This will be followed by a personal interview with a panel in which you will be invited to reflect on your performance.</li> <li>You will be asked to bring your passport or any other relevant document to confirm your right to work in the UK on the day of the assessment – this is standard HR practice to ensure we comply with Immigration, Asylum and Nationality Act 2006.</li> </ul>
3	Do you pay assessments expenses?	The Council is unable to reimburse the costs of attending for an assessment.
4	Can I attend a hearing before applying?	Unfortunately, no. Our hearings are currently suspended due to COVID-19 movement restrictions. However, you can find further details here: https://olr.gdc-uk.org/hearings
Th	ne Fitness to Practise Pr	ocess: Where do you fit in?
5	What is the process for raising a complaint?	Stage 1 - The issues raised will initially be considered by the GDC's Initial Assessment team, to determine whether the matter should go forward to be considered at the casework stage. If it does, the caseworker will obtain whatever information is necessary in order to complete their investigation. When the caseworker has completed their investigation, they will assess the case.  A casework manager will then review the matter and will conclude that either the complaint and/or information received does not raise an allegation that fitness to practise may be impaired and, the case will be closed; or that it does raise an allegation that fitness to practise may be impaired – the case, and information relating to it, will be referred to the case examiners.  Stage 2 – The case examiners are appointed GDC staff members with a statutory duty to make decisions. Case examiners take over the case after casework have investigated the concern and referred the matter for more in depth consideration. Each case is considered by a pair of case examiners, one lay and one a dentist or dental care professional.

They review all the relevant evidence gathered by casework, including any evidence provided by the dental professional or the informant. The case examiners are not asked to decide the facts of the case. They do not consider if the allegations made against a dental professional are true or false. The case examiners are required instead to consider if there is a real prospect that the allegation in the case could be proved and that, if proven, it would suggest that the dental professional's ability to practise as a dental professional may be affected. The case examiners have a variety of ways to dispose of cases, including closing with no further action, issuing advice or warnings, agree undertakings with the registrant or referring the case for a substantive hearing. They can also refer cases to the Interim Orders Committee. Stage 3 – Fitness to Practise Panel members begin to participate in this process here: This is a full 'public inquiry' before a Practice Committee (these are Professional Conduct Committee, Professional Performance Committee or the Health Committee). These are usually public hearings where the Committee hears the case, reviews all evidence and delivers its findings of facts prior to deciding what sanction, if any, is appropriate. Please see sections 9-11 below for more information. In some cases, where serious concerns have been raised, you may be involved earlier at the Interim Order Stage. The Interim Orders Committee (IOC). The IOC will consider if a dental professional's registration should be suspended temporarily, or made subject to conditions, prior to the full hearing. 6 How many The Fitness to Practise GDC department received 1,643 concerns in 2018, a complaints/allegations 14% decrease from the 1,910 received in 2017. does the Fitness to In 2018 Fitness to Practise carried out: Practise department handle? • Initial Assessments – 1,668 • Assessments – 1,530 • Referrals to case examiners - 700 • Referrals to a Practice Committee: 259 7 How often do the There are generally four or five Practice Committee hearings (Professional **Practice Committees** Conduct, Performance and Health) most weeks of the year. In 2018 there were 227 PCC cases, six Performance and 26 Health cases and 392 Interim sit? Orders (including reviews). There were 1,079 hearing days in 2018 and the average length of hearing was 5.1 days. Each panellist typically sits for 20 to 25 days over the course of a year. The pattern of sitting is varied. 8 How long does it The Fitness to Practise GDC department aims for cases to be heard by a take for a case to be Practice Committee within nine months of referral by the case examiners); heard at a Practice however, this will vary depending on the nature of the case, the involvement of external parties and the availability of a hearing date. Committee? 9 What is the The Professional Conduct Committee (PCC), a statutory committee of the Professional Conduct Council, is one of three Practice Committees. The PCC considers whether an Committee? allegation referred to it amounts to misconduct and if this misconduct amounts to an impairment of the dental professional's fitness to practise.

10 What is the Professional Performance Committee?	The Professional Performance Committee, a statutory committee of Council, considers allegations about a dental professional's fitness to practise and whether this is impaired by reason of their professional performance.
11 What is the Health Committee?	The Health Committee, a statutory committee of the Council, considers cases where it appears that a dental professional's fitness to practise is affected by a physical or mental condition.
12 What is the Interim Orders Committee?	The Interim Orders Committee conducts an early risk assessment and can suspend or impose conditions on a dental professional where there is a need to protect the public, the public interest or the dental professional themselves, pending the outcome of a case at a public hearing by one of the Practice Committees. A case may be referred to the Interim Orders Committee at any stage. The Interim Orders Committee is populated by the same pool of members as the three Practice Committees.
13 What is the Registration Appeals Committee?	<ul> <li>The Registration Appeals Committee (RAC) considers appeals from dental professionals made against the Registrar for the following reasons:</li> <li>refused registration</li> <li>removed from the dentists register (but not by a Practice Committee) for example for carrying out insufficient CPD, and</li> <li>not restored to the register (but not by a Practice Committee).</li> </ul>
14 Do Fitness to Practise Panel members sit on all the committees?	Yes - membership of all three Practice Committees, as well as the Interim Orders Committee and the Registration Appeals Committee, is drawn from the Fitness to Practise Panel.
15 How are the chairs of the Fitness to Practise Panel members appointed?	Members must undertake and pass the chair selection process before being appointed to these roles. New panellists are expected to have had experience of sitting with us for a period of at least one year before they undertake our development and selection process. Development sessions and chair selection is scheduled every year.
The Hearing	
16 What is the quorum?	Three members, of whom one must be a dentist and one lay; and one a dental care professional (DCP) if the case is against a DCP.
17 What is a case hearing?	<ul> <li>Effectively a trial or tribunal process, run on a hybrid of criminal and civil procedures:</li> <li>Burden of proof always rests on the GDC: dental professional does not have to prove anything.</li> <li>Standard of proof is the civil standard (the balance of probabilities).</li> <li>Evidence is given on oath, cross examined; Committee can question.</li> <li>A hearing is a two-stage process: <ol> <li>finding of facts on the allegations, each separately, and then</li> <li>a decision on impairment of fitness to practise, and (if found to be impaired) on the appropriate sanction.</li> </ol> </li> </ul>

18 How does a Committee	The sequence of decisions for the Committee:
decide whether a dental professional's fitness to practise is impaired?	Are the facts found proven?
	Do the allegations found proven amount to misconduct?
	Was the dental professional's fitness to practise impaired at the time of the allegation?
	Is the misconduct remediable?
	Has it been remedied?
	What is the likelihood of it being repeated?
	What is the effect on the reputation of the profession?
	What is the effect on public confidence in the profession?
	Considering all the above, is the dental professional's fitness to practise currently impaired?
	If so, what is the appropriate sanction?
19 What are the sanctions available?	The panel must consider the least severe sanction first then work upwards.  It has the following options to consider:
	No action, conclude the case.
	Reprimand, conclude the case.
	Conditions for up to three years, may stipulate review at end (when could extend).
	Suspension for up to 12 months, may stipulate review at end (could extend for up to 12 months).
	Erasure (not less than five years before an application can be made for restoration).
20 Is the determination** made public?	Yes, the determination* is published on the GDC website, (apart from any private material). It will explain the background to the case and that the Committee has followed the correct process, as well as the reasons for its decision: including why the Committee decided on the particular sanction and not a more severe one.  *A determination is the name given to the document that sets out the panel's
	decision and reasoning.
21 Can a dental professional appeal against a ruling?	Yes, dental professionals have the right of appeal to the High Court or Court of Session in Scotland (within 28 days) if they feel that the findings against them were unsound on any legal grounds, or that the sanction was unduly harsh.
22 Can the PSA appeal against a ruling?	Yes, the Professional Standards Agency (PSA) has the right of appeal to the High Court or Court of Session in Scotland (within 60 days) if they feel that the sanction imposed on the dental professional was unduly lenient.
23 How long does a case last?	Cases can last anything from a few hours (a short Interim Order review hearing) to a day or so (a simple conviction) to several weeks (a complex case with multiple patients or more than one dental professional involved).

24 Who else sits with the panel?	The panel always sits with a legal adviser and a committee secretary. On health cases there may be a medical adviser and on Registration Appeals there will usually be a Professional Adviser. Only the Fitness to Practise Panel members make decisions.
25 What is the role of the committee secretary?	The committee secretary takes the panel through the voting processes, advises on procedures, assists with drafting determinations and attends to various administrative issues including managing timekeeping and paying panellists' daily fees.
26 What is the role of the various advisers?	<ul> <li>The legal adviser provides the panel with advice and guidance on legal issues and liaises with the barristers.</li> <li>The medical adviser advises the panel on medical conditions and their impact on dental professional's ability to practise.</li> <li>The professional adviser's role is to give the Registration Committee members help in understanding the UK's legal requirements relating to registration and the match with an applicant's curriculum, education and experience.</li> </ul>
Induction and scheduling	
27 What are the induction arrangements?	Associates must satisfactorily complete a two-day pre-appointment induction programme before the appointments are confirmed. Two sessions will be available – 6 and 7 October or 20 and 21 October.
28 What is my commitment after the initial induction?	Fitness to Practise Panel members (who are not chairs) are required to attend a Fitness to Practise refresher day once a year. You will have a choice of date – a number of dates being scheduled between February and April each year. These meetings focus on updating skills and knowledge, wherever possible involving panellists in experiential group learning. Chairs attend an additional day's training annually.
	Dates are sent out well in advance – usually in the summer of the year before.
	Failure to attend the annual Fitness to Practise refresher sessions may mean removal from the Fitness to Practise Panel.
29 How am I scheduled to sit on hearings?	Usually, you will be scheduled to sit on hearings well in advance and according to your availability. Hearings dates are usually arranged in the summer before the year concerned so that members are able to give their availability for the scheduled dates.
	In this first instance, once appointed, you will be sent dates between January and September 2021 and asked to indicate your availability. This will be done later than in subsequent years when dates are usually sent out in the summer. A second allocation for the last quarter of each year takes place in the previous spring.
	Allocating members to dates will depend on everybody's availability but also to ensure that the panel is quorate and that is has at least one qualified chair due to sit.

It will be a phased start because we can only put one inexperienced panellist on a three-person panel at any one time.

A provisional allocation may be made subject to appointment post satisfactory completion of pre-appointment induction.

### **30** Who will help me with my first sitting?

We know that the thought of sitting on a hearing for the first few times can be a daunting task for some people. We hope that the allocation of buddies for the first two sittings will help to relieve any feelings of anxiety and insecurity. Because of the nature of panel scheduling it is not possible for you to have the same buddy for two consecutive hearings, but this means you get two buddies to call upon for help in your first year of sitting. You will also be put in contact with a chair reviewer/mentor who will undertake a development discussion with you at the end of your first year and will be at the end of the phone if you need any long distance mentoring support.

**Prior to the hearing:** your buddy will contact you a week or two before the hearing and will arrange a time and place to meet on the first day.

The key message is please work with your buddy.

If you are unclear about anything, please ask. There is no such thing as an inappropriate question and don't hesitate to ask a question rather than make assumptions.

On the first day: they will meet you at the venue a little earlier than the rest of the panel, show you around and discuss any practical issues and help you with any pre-hearing nerves.

**During the hearing:** you should spend a short amount of time at each break, and at the end of each day, with your buddy asking questions or asking him or her to explain the next stages.

If you are a lay member, the dental members can help with dental terminology.

If you are unclear about the legal process, the committee secretary or legal adviser can also help.

Your buddy will encourage reflection, offer feedback continuously and practical hints and tips (suitable to your individual needs and wants).

**Post hearing:** your buddy can continue the supportive relationship post hearing if desired. If you wish, your buddy will also phone you the week after the hearing, when you have had time to reflect on your first sitting. Keep a note on your self-review form of your reflections of the first and second hearing.

The conversations between you and your buddy are confidential and will not be reported back to the hearings team or to the chair of the panel but please feel free to ask questions of them too if you wish.

## **31** How do you manage your performance?

Fitness to Practise Panel members will be expected to participate in a formal development process that supports the building of experience and skills as a panellist.

The **Development Review Process** consists of a programme of annual self-review, feedback from a peer and chair/mentor professional development discussions with your chair/mentor through which you can identify any specific learning and development needs.

We encourage all panellists to keep a learning log after each case they sit on.

Following the first two hearings at which you sit with a buddy, we will allocate you and a fellow panellist to undertake peer feedback of each other. Panellists are expected to complete at least two observations and feedback for their allocated peers each year and are expected to regularly reflect and review their own experience/performance in hearings.

We encourage panellists to keep a learning diary or log, so that they can reflect upon experiences in hearings and manage their own learning and development. This process is assisted by an annual professional development discussion with a chair, at points throughout the panellist's tenure. A formal consolidated feedback development summary form will then be completed and will form part of the process for moving into a second term of office as a panellist.

#### **Practicalities and remuneration**

32 Can accommodation be claimed for if members do not live near London?

Yes, if staying the night before a committee meeting to ensure members are able to make the start time; then accommodation can be claimed for. This is currently up to £180 per night (including breakfast and VAT). Original receipts must be submitted with an expense claim form. The GDC has reached an agreement for rooms within this rate at Club Quarters, Lincoln's Inn Fields, London, WC2A 3JW.

Currently, you will need to pay for the hotel on checkout, and then claim back the cost in the usual way via the expenses claim process. This information will be updated upon engagement.

A £25 'friends and family' overnight allowance will be reimbursed if you choose to stay with friends or family instead of using a hotel. This covers all costs including accommodation, evening meal and breakfast. No claim can be made by anyone staying in their own property.

Overnight stays for London-based meetings are not deemed necessary for anyone whose journey time from home to a London main line station is less than two hours, except where the timing of GDC meetings make it necessary.

#### **33** Is lunch provided?

A sandwich lunch is provided. If you have a specific dietary requirement, please tell a member of the hearings team in advance.

Yes, the following expenses will be reimbursed:
<ul> <li>Breakfast £10 (only when no overnight stay involved, and you had to leave home before 07:30).</li> </ul>
<ul> <li>Lunch £10 (only when no lunch provided by the Council).</li> </ul>
<ul> <li>Dinner £30 (alcoholic beverages cannot be claimed as an expense).</li> </ul>
Details of the GDC's current Finance Policy will be made available upon appointment.
The hearings are usually held in London at the GDC's Head Office at 37 Wimpole Street, London, W1G 8DQ.
On very exceptional occasions hearings may be held outside London but currently there are no plans for this to happen regularly.
A hearing day usually starts at 10am on Mondays. On subsequent days, hearings usually start at 9.30am, unless otherwise advised, and finish by 5pm. Where the hearing finishes before 5pm, a fee is still paid for the entire day. On the rare occasions when the hearing runs beyond 5pm, there will be no additional fee payable. The GDC tries to avoid sitting beyond 5pm wherever possible to avoid tiredness for all the parties concerned.
Fitness to Practise Panel members receive an attendance fee of £353 per day (or £176.50 per half day). In addition, where bundles have been uploaded to your iPad in advance, an additional reading fee may be payable.
The same rate also applies to refresher training days once engaged and an agreement to provide services has been issued. A half-day's fee will be paid for each day of the two induction days.
Your income will be treated as self-employed income for both tax and NIC (national insurance contributions) purposes and paid gross. You will have to account for your own income and on a self-assessment tax return.
Depending on your age and circumstances you may also need to pay NIC contributions. The GDC is under an obligation to provide this payment information to the HMRC (Her Majesty's Revenue and Customs) if requested.
Members are eligible to claim the costs of travel and subsistence necessary to attend the meetings. The expenses policy which applies is the same as that for Council members. You will be supplied with a copy. There is an email inbox dedicated to the receipt of expenses claim forms at expenses@gdc-uk.org. An automated receipt lets you know that your form has been received.
Additional allowances and expenses necessarily and reasonably incurred, may be claimed as follows:
<ul> <li>Childcare or baby-sitting expenses: when, as a direct result of GDC business, it is necessary for you to employ a childcare provider, when you would not normally need to, claims will be limited to reimbursing the actual cost of a registered childcare provider or a babysitter.</li> </ul>

- Care arrangements for an elderly or dependent relative: these costs may be refunded in similar circumstances to childcare costs. Claims will be limited to reimbursing the actual amount paid out to arrange the care that you would have provided during your period of absence.
- Members with a special need: to enable a panellist to communicate more effectively, for example, or to otherwise take part in the work of the GDC, we will make appropriate reasonable adjustments to accommodate any special needs. Should a panellist wish to use their own equipment, then claims will be limited to reimbursing the actual cost of, for example, provision of a signer, audiotapes, Braille documentation, or travelling and subsistence for a person providing support.

### 39 What can I claim for travel?

You are expected to make arrangements for travel that are in the best interests of the GDC. In most circumstances, this should be the most economic mode of transport, except where this would involve unreasonable journey times. Where possible, tickets should be pre-booked for specific journey times. Fully flexible tickets are more expensive and should only be purchased where there is a demonstrable need.

We will reimburse the following:

- Standard class between the nearest station to your home and the location of the meeting or event.
- First class rail travel can be booked only if it can be demonstrated that a first-class ticket is cheaper than standard class. This evidence will need to be submitted with your claim.
- For air travel within the UK, we will reimburse economy class or the equivalent fare, where appropriate.
- Car mileage allowance will be paid for individuals using a private car on GDC business at a rate of 45 pence per mile for the first 10,000 miles travelled in the tax year.
- Underground fares, parking fees and the reasonable use of taxis will generally be reimbursed as charged.
- For underground travel, Oyster cards and contactless payment cards should be registered online at tfl.gov.uk. A journey statement must be printed with annotations added that specify GDC expenses. Alternatively, if an individual ticket has been purchased, the ticket can be provided in place of a receipt.
- Taxis should only be used in exceptional circumstances and an explanation should be provided with the claim, such as reduced mobility or when travelling with heavy luggage. Where possible, taxis should be shared with others. Costs may not be reimbursed should the explanation not be in-line with this policy. If in doubt, please obtain prior approval from committee secretary for the use of taxis to avoid non reimbursement.

40 What happens about my attendance fee if the hearing is cancelled?	If the Council cancels a Committee meeting or other Committee activity, which the panellist has previously agreed to attend or carry out, the Council shall pay to the panellist the fee or a part thereof as follows:
	• the full amount of the fee for cancellation on 0-5 working days' notice, and
	half of the full amount of the fee for cancellation on 6-10 working days.
	No fee is paid for cancellation on more than 10 working days notice but the GDC will compensate members for expenses incurred in changing travel and accommodation plans.
Data security	
41 Will papers by sent by email?	Virtually all our bundles are now supplied to panellists on iPads. Where pre- reading is required, we will upload bundles in advance of some hearings for you.
	Administrative documents are routinely sent to you by email. If we needed to send any secure document by email, we would send to you as a PDF via a secure file sharing system.
	Please make sure your email address is secure and emails are seen only by you. You cannot share an address with your partner or other member of the family or colleagues.
	Remember your sign in details are secure as long as the sign in page has the required security certificate https:// However, if as you browse within your account you see http:// this means it is not secure and the remaining pages are not encrypted meaning that the content you are typing is being transmitted in clear text, not encrypted text.
	Some providers are safer than others. If you are unsure, and are setting up a new account, we would suggest using a Gmail account as this does have the required security.
<b>42</b> Reading bundles sent electronically on iPads	You will be supplied with a GDC iPad if engaged. This can be used to access and annotate hearing bundles through iAnnotate. We will upload documents to your iPad remotely, and remove them remotely.
43 Can I read papers on the train or plane?	You should <i>not</i> be reading papers on public transport.
Appointments	
44 When will my start date be?	You will be filtered into the hearings process as part of the transition stage from January 2021 and given a contractual start date from this time. Your first sittings will be staggered as it is our practice to put only one new member on to each panel in the first year, if at all possible.
45 How long is the term of office?	All members will be engaged initially for a period of four years. On completion of a four-year term, you may be invited to apply for another term of office up to a maximum of eight years' service, subject to business needs.

#### **Conflicts of interest**

**46** What happens with declarations or conflicts of interests?

You will be sent basic information giving details of dental professionals and expert witnesses (where known) in upcoming cases four to six weeks in advance. These details include known addresses, place and date of qualification.

You will be asked to inform the hearings team if you have any prior knowledge of the individual. If you have some knowledge that could potentially bias you or prejudice the fairness of the case, you may be removed from it but not necessarily. In addition, the prosecuting firms tell dental professionals who are due to sit on a case in advance to see if they object.

The defence teams will look at your biographies on our website.

If dental professionals have raised a potential objection you will hear from one of our hearings case management officers and asked to provide a statement of your knowledge of the dental professional. Where there is more than one hearing taking place that week, attempts are made to put you on another panel if this is practicable.

47 What happens if I know somebody on the listings schedule of a committee that I am scheduled to sit on?

In the interests of openness and accountability, members of the Fitness to Practise Panel should declare any interests that may influence, or may be perceived to influence, your ability to act impartially or objectively when making a decision on a case.

If you know a dental professional or expert witness this should be declared to the hearings team, in advance if possible, and supply details of the context in which you know that person. Prosecutions will regularly check with the defence team and dental professional to see if he or she objects to the member sitting on that case. If there is bias, or a perception of bias, you will be asked to step down (recuse yourself) from that hearing. There are the odd occasions when you will not know that you know somebody until the hearing has started, e.g. a witness of fact in a case. If this happens please tell the chair at the earliest opportunity, and a decision will have to be made about whether you can stay.

**48** When do I receive the agenda to check for conflicts of interests?

The hearings team sends a 'conflict check' including basic details identifying dental professionals and others involved in upcoming cases between four and six weeks in advance. More information about your sitting (i.e. time, place, who you are sitting with, who you are peer reviewing etc.). If you are sitting on a Practice Committee you will also be sent the allegations you are to hear, at this stage. Pre-reading in the form of e-bundles will be sent approximately a week before the hearing.

#### **Dental professionals' questions**

49 I am a dental member - do I need to be registered with the GDC to sit on the panel? Yes, if you are a dentist or a dental care professional you must be on the dentists register or register of dental care professionals to be a member of the panel.

50 Will sitting on the Practice Committee hearings count towards continuing professional development (CPD)?	Sitting on the Committee does not count towards verifiable CPD. However, elements of a case may count towards non-verifiable CPD when it contributes towards an individual's continuing professional development, for example, hearing the evidence from an expert witness in a case on clinical or other practice related matters.
<b>51</b> Why should I get involved?	It is important that all members of the dental team are represented on the panel to provide a complete picture of today's dental practice. All panellists receive support to develop skills in all aspects of the role, from understanding the application of current case law, to themes in public interest as well as in skills like questioning or working effectively as part of a decision-making panel. There are opportunities for panellists to undertake development work towards becoming a chair of a Fitness to Practise Panel.
<b>52</b> Why should my employer support me?	Sitting on the panel is a big commitment in terms of time and employers may need convincing of the benefit of supporting an employee to do this. It is an excellent learning experience which will benefit both you and your practice. During the hearings you will hear a lot about what can go wrong in a practice. It may well prompt you to review and enhance your own systems on return to the surgery.
The Council of the GDC	
53 Who sits on the Council of the GDC?	The Council is made up of 12 members. Six are appointed dental professionals and six appointed lay members. Our Council has a lay chair.
54 Am I able to attend a Council meeting?	Council meetings are held in public, apart from a few sensitive items which need to be discussed confidentially, when members of the public and press may be asked to leave. More information and dates and locations of these meetings can be found here:  www.gdc-uk.org/about-us/who-we-are/the-council