

Consultation

**Revisions to Guidance for the case examiners,
and to the Undertakings bank for the case
examiners**

Table of contents

Overview.....	3
Consultation period and deadline for responses	4
Ways to respond.....	4
Response to your views	4
Contact us	4
Consultation questions	5
Please tell us who is responding.....	5
Broadly applied revisions to the guidance	5
Clarity of meaning and language.....	5
Significant changes to the guidance	6
Preliminary and general considerations (paragraphs 11 to 39)	6
Real prospect of the allegation of impaired fitness to practice being proved by a practice committee (paragraphs 40 to 110)	7
Allegation of impaired fitness to practise ought to be considered by a practice committee (paragraphs 111 to 164)	8
Allegation of impaired fitness to practise ought not to be considered by a practice committee (paragraphs 174 to 202)	8
Publishing details of the warning (191 to 196)	9
Appendix 1: Considerations in particular categories of cases (Appendix 1, paragraphs A1 – A175)..	11
Undertakings bank for the case examiners	12
Equalities Impact Analysis	12
Any other comments	13

Overview

The General Dental Council (GDC) is the UK-wide statutory regulator of dental professionals. Our overarching objective is the protection of the public, and one of the ways we pursue this objective is through the investigation of concerns which are raised about dental professionals' fitness to practise.

The GDC receives and investigates concerns about the performance, conduct, and/or health of UK-registered dental professionals. The objective of our investigations is to determine whether the individual is fit to practise. Over the course of a fitness to practise investigation, there are several points at which the case is assessed, and at each of those the case is either closed (with a variety of outcomes) or progressed to the next stage of the process. Only a very small proportion of concerns received will make it to the last of the possible stages, which is a hearing of the case at a practice committee. The cases which do not make it to a practice committee, by definition, have been closed at one of the previous stages. Consideration by case examiners is the stage of the fitness to practise process immediately before the hearing of a practice committee.

We recognise that cases can take a long time to be resolved and that the process can feel punitive and disproportionate to those under investigation. We also know that investigations can feel overly complex and that this can contribute to fear of the process and of the GDC.

One of the [GDC's strategic objectives](#) is to improve fitness to practise, maximising patient safety and reducing unintended impacts. As an important contribution to achieving that objective, we are undertaking a comprehensive review of our guidance for decision makers at each stage of the fitness to practise process to ensure that it is up to date and effective.

This consultation relates specifically to the Guidance for the case examiners and the Undertakings bank for the case examiners. In addition to ensuring the guidance is up to date, for example by having regard to relevant case law developments and research findings, the aim of this review is to support consistency of approach and proportionality in decision making undertaken by case examiners.

In line with our organisational values, the aim of this review is also to support transparency about how case examiner decisions are made. By ensuring the guidance is clear and free from technical terminology wherever possible we aim to contribute to the reduction of fear in relation to fitness to practise. We have also included more detail about how case examiners consider cases in front of them.

We are consulting on proposed revisions to the Guidance for the case examiners, and to the Undertakings bank for the case examiners, due to the extent of the changes proposed. In future, we will continue to review and update the guidance as required. We will always make clear where changes have been made, but we will run a formal consultation exercise only when that is proportionate in relation to the nature and extent of the proposed changes.

The proposed revised Guidance for the case examiners, and the proposed revised Undertakings bank for the case examiners, are available on our [consultation webpage](#) for the duration of this consultation. We are proposing that this revised guidance will replace the current [case examiners](#)

[guidance manual](#) and [case examiners indicative outcomes guidance](#). We are also proposing that the revised undertakings bank will replace the current [undertakings bank](#).

Consultation period and deadline for responses

This 12-week consultation exercise opened on 26 March 2026.

It will close at 23.59 on 18 June 2026.

We will be unable to consider responses submitted after that date.

Ways to respond

Please respond to this consultation using the [online survey](#).

You can also submit your response by [email](#). When doing so please include the name of the consultation in the subject line, or something similar that helps it to be identified easily.

When submitting by email, please reference your responses or views using the paragraph or question numbers used in this document.

For details of how your data will be processed and stored, please see our [Privacy Notice](#). Information held by the GDC is subject to Freedom of Information requests, so please do not provide any information you would not want to be disclosed.

Response to your views

We will carefully consider all views raised during the consultation, and produce a consultation outcome report detailing our consideration. The report will be published on our [consultations and responses webpage](#).

Contact us

If you have any questions or queries about this consultation:

Email: stakeholder@gdc-uk.org

Phone: 020 7167 6330

Consultation questions

Please tell us who is responding

1. Please tell us if you are responding as an individual or on behalf of an organisation:
 - Individual (please now answer only questions 2 and 3 in this section).
 - Organisation (please now answer only question 4 in this section).
2. Please select the option below that best describes you:
 - Registered dental professional.
 - Dental patient and/or member of the public.
 - Dental student or trainee.
 - Qualified dental professional applying for registration.
 - Other/not specified.
3. Please select your registered title(s) and if you are on a specialist list:
 - Clinical Dental Technician.
 - Dental Hygienist.
 - Dental Nurse.
 - Dental Technician.
 - Dental Therapist.
 - Dentist.
 - Orthodontic therapist.
 - One or more specialist list(s).
4. Please tell us the name of the organisation, your name, job title, and contact information (we will only use this information if we need to clarify anything contained in your response, and the circumstances where this is needed are rare.)

Broadly applied revisions to the guidance

Clarity of meaning and language

5. We have scrutinised each paragraph of the proposed updated guidance with the objective that each point being made is clear. This has included the aim of using clear and commonly understood language, which is free of technical terminology, wherever possible.

To what extent do you agree that the proposed updated guidance makes its points clearly and, in doing so, uses clear and commonly understood language wherever possible?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree

- Not sure
6. Please provide reasons for your response, including any suggestions for where and how the clarity of meaning or language in the guidance could/should be improved.

Significant changes to the guidance

In addition to the broad revisions referred to above, in the interests of ensuring the guidance up to date and supporting consistency of approach, transparency, and proportionality in decision making undertaken by case examiners, a number of changes have been made to the guidance. Areas of significant change are listed below, by section.

Preliminary and general considerations (paragraphs 11 to 39)

New or developed points in this section include:

- Paragraphs 11 to 19 now address both bias and conflict of interest which, although related, are distinct concepts.
 - Paragraphs 20 to 32, addressing reasonable opportunity to comment, now include indicative timescales for what is ordinarily considered to be a reasonable opportunity. They also now feature guidance on considering whether a previous refusal to grant an extension undermines a reasonable opportunity.
 - Paragraphs 33 to 37, addressing adjournments, have now been moved into the preliminary and general considerations section (from a later point in the current guidance). Changes have also been made to the structure and wording to improve clarity.
 - Paragraphs 38 to 39, addressing reasons, have now also been moved into the preliminary and general considerations section (from a later point in the current guidance). Changes have also been made to the wording to improve clarity, and to include examples of where more comprehensive reasons should be provided.
7. In addition to ensuring the guidance is up to date, the aim of this review is to support consistency of approach, transparency, and proportionality in decision making by the case examiners. To what extent do you agree that all of these aims are supported by the updated 'Preliminary and general considerations' section, including the changes listed above?
- Strongly agree
 - Somewhat agree
 - Neither agree nor disagree
 - Somewhat disagree
 - Strongly disagree
 - Not sure
8. Please provide reasons for your response, including any suggestions for where and how the section could/should be improved both in relation to how it reflects recent developments in case law and regulatory best practise, and to better support consistency of approach, transparency, and proportionality in decision making by the case examiners.

Real prospect of the allegation of impaired fitness to practice being proved by a practice committee (paragraphs 40 to 110)

New or developed points in this section include:

- Overall, we consider the section benefits from clearer titles and improved structure.
 - Paragraphs 50 to 55, addressing conflicts of evidence, have been expanded to reflect developments in case law and to provide more clarity on the limits of the case examiners' filtering role.
 - Paragraphs 56 to 83, addressing the statutory grounds, now closely reflect the equivalent section in the recently updated Guidance for the practice committees. This reflects a more complete and precise setting out of the grounds. This includes:
 - An updated section on convictions or cautions for a criminal offence which now features new subsections on considerations for case examiners in relation to declaring criminal convictions and cautions (70 to 72) and protected criminal convictions and cautions (73 to 77).
 - New sections on certain other outcomes for criminal offences (78) and determinations by certain other regulators bodies (79 to 83).
 - Paragraphs 84 to 106, addressing current impairment, now closely reflect the equivalent section in the recently updated Guidance for the practice committees. This has resulted in:
 - New sections on insight (89 to 94), denial (95 to 96) and remediation (97 to 98).
 - A new section providing improved clarity on impairment on the grounds of public interest (103 to 106).
 - Paragraphs 107 to 110, addressing the conclusion of the real prospect consideration, more clearly set out the outcomes which must follow different case examiner determinations at the real prospect stage of consideration.
9. In addition to ensuring the guidance is up to date, the aim of this review is to support consistency of approach, transparency, and proportionality in decision making by the case examiners. To what extent do you agree that all of these aims are supported by the updated 'Real prospect of the allegation of impaired fitness to practice being proved by a practice committee' section, including the changes listed above?
- Strongly agree
 - Somewhat agree
 - Neither agree nor disagree
 - Somewhat disagree
 - Strongly disagree
 - Not sure
10. Please provide reasons for your response, including any suggestions for where and how the section could/should be improved both in relation to how it reflects recent developments in case law and regulatory best practice, and to better support consistency of approach, transparency, and proportionality in decision making by the case examiners.

Allegation of impaired fitness to practise ought to be considered by a practice committee (paragraphs 111 to 164)

New or developed points in this section include:

- Overall, we consider the section benefits from clearer titles and improved structure.
- Paragraph 111 provides a new introduction, which more clearly sets out the two potential outcomes for this determination.
- Paragraphs 112 to 121, addressing consideration of whether undertakings are appropriate and the approach to offering undertakings, provide greater clarity. These paragraphs also draw comparable content from the conditions section of the recently updated Guidance for the practice committees.
- Paragraphs 122 to 125, addressing real prospect of erasure prohibiting undertakings from being offered by the case examiners, now make this point more clearly. These paragraphs also draw relevant content from the recently updated Guidance for the practice committees.
- Paragraphs 126 to 129, addressing the approach to offering undertakings, provide greater clarity. These paragraphs also draw comparable content from the conditions section of the recently updated Guidance for the practice committees.
- Paragraphs 130 to 135, addressing publishing details of the undertakings, provide greater clarity. The new paragraph 134 provides guidance about where case examiners may exercise discretion not to publish some or all of the details which are ordinarily published (i.e. where there is evidence to suggest publication is likely to cause significant harm to the registrant or a third party).

11. In addition to ensuring the guidance is up to date, the aim of this review is to support consistency of approach, transparency, and proportionality in decision making by the case examiners. To what extent do you agree that all of these aims are supported by the updated 'Allegation of impaired fitness to practise ought to be considered by a practice committee' section, including the changes listed above?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Not sure

12. Please provide reasons for your response, including any suggestions for where and how the section could/should be improved both in relation to how it reflects recent developments in case law and regulatory best practice, and to better support consistency of approach, transparency, and proportionality in decision making by the case examiners.

Allegation of impaired fitness to practise ought not to be considered by a practice committee (paragraphs 174 to 202)

To note, this question excludes changes to the subsection on publishing details of the warning (191 to 196), as this is addressed separately by questions 15 – 17.

New or developed points in this section include:

- Paragraphs 177 to 178, addressing the outcome of no further action, particularly clarify that this may be an appropriate outcome not only where there is no real prospect on facts, but also where there is a real prospect that the statutory ground will be established but the evidence of insight and remediation addresses all concerns, and that there is minimal risk of repetition.
 - Paragraph 184, which highlights that advice will unlikely be an appropriate outcome where the case examiners have identified public interest considerations.
13. In addition to ensuring the guidance is up to date, the aim of this review is to support consistency of approach, transparency, and proportionality in decision making by case examiners. To what extent do you agree that all of these aims are supported by the updated 'Allegation of impaired fitness to practise ought not to be considered by a practice committee' section, including the changes listed above?
- Strongly agree
 - Somewhat agree
 - Neither agree nor disagree
 - Somewhat disagree
 - Strongly disagree
 - Not sure
14. Please provide reasons for your response, including any suggestions for where and how the section could/should be improved both in relation to how it reflects recent developments in case law and regulatory best practice, and to better support consistency of approach, transparency, and proportionality in decision making by case examiners.

Publishing details of the warning (191 to 196)

While the discretion over whether warnings should be published is clearly afforded to the case examiners by the GDC Fitness to Practise Rules 2006 ("the Rules"), there is nothing in the Dentists Act 1984 ("the Act") nor in the Rules which addresses for how long warnings should be published.

The GDC's current policy position is that the case examiners have discretion to set the length of time for which warnings are published. The current Case Examiner Guidance Manual sets out the mitigating and aggravating considerations which case examiners should consider in the exercise of this (policy-granted) discretion, with warnings for cases with mitigating factors being published for "a shorter period (up to 12 months)", and those with aggravating factors for "a longer period (of between 12 and 24 months)".

With regards to the typical periods for which warnings are currently published, over the years 2023 to 2025, there was an average of 60 published warnings issued per year, and of those:

- 39% were published for 1-11 months
- 48% were published for 12 months
- 13% were published for more than 12 months (9% for 13-18 months, 4% for 19-24 months).

We are proposing to change our policy to remove discretion from the case examiners in favour of setting a fixed publication period of 12 months for warnings which the case examiners determine should be published. The draft updated Guidance for the case examiners reflects this proposed new policy position (particularly paragraph 192).

We are proposing this change of policy because:

- We consider that warnings should ordinarily be published, to support the application of the open justice principle and our aim that the GDC's regulatory proceedings should be conducted in an open and transparent manner. The updated draft Guidance for the case examiners makes clear at paragraph 191 that warnings will ordinarily be published for that reason.
- We consider the role fulfilled by warnings at the case examiner stage to be largely aligned to that of reprimands at practice committee stage. As with warnings, the Act and the Rules are silent as to for how long reprimands should be published, but our policy is that practice committee reprimands should be published for 12 months.
- We consider the publication periods for these two outcomes should be aligned and that the public interest would be served by the publication of warnings for a flat rate of 12 months.
- We also consider that a fixed publication period will ensure greater consistency of outcome between different cases.
- We do appreciate that some warnings are currently published for less than 12 months and so this change of approach will result in an increased publication period in some cases going forward. We consider, however, that the benefits set out outweigh any disadvantages that may arise.

We also note that we have developed paragraph 196, which addresses the circumstances where the case examiners may consider that it is not appropriate to publish some, or all, of the details of the warning, including where there is evidence which suggests publication is likely to cause significant harm to the registrant or a third party.

15. To what extent do you agree with our proposed policy change to set the duration of published warnings to a flat rate of 12 months?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Not sure

16. In addition to ensuring the guidance is up to date, the aim of this review is to support consistency of approach, transparency, and proportionality in decision making by case examiners. To what extent do you agree that all of these aims are supported by the updated 'Publishing details of the warning' subsection, including the changes listed above?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Not sure

17. Please provide reasons for your responses to questions 15 and 16, including any suggestions for where and how the subsection could/should be improved in relation to how it reflects recent developments in case law and regulatory best practice, and to better support consistency of approach, transparency, and proportionality in decision making by case examiners.

Appendix 1: Considerations in particular categories of cases (Appendix 1, paragraphs A1 – A175)

Significant changes have been made to Appendix 1 (replacing the case examiner indicative outcomes guidance), with the aim of:

- providing clearer guidance to the case examiners, with accompanying rationale where appropriate at the different stages of the case examiners' consideration, and for the indicative outcomes in particular categories of cases.
- seeking consistency with the corresponding appendix in the recently updated Guidance for the practice committees, where appropriate.

Given the extent of changes to the sections in the appendix, we do not provide an itemised list of all changes made. However, the following sections have, in particular, benefitted from improvements:

- Sexual misconduct guidance (A5 to A18) has been significantly expanded to reflect the seriousness of this category of allegation.
- Discrimination and harassment guidance (A19 to A33) has been significantly expanded to reflect the seriousness of this category of allegation.
- A new section on integrity introduced (A56 to A60), highlighting distinct aspects of this category not previously captured.
- A new section on candour introduced (A70 to A77), highlighting distinct aspects of this category not previously captured.
- Non-cooperation guidance (A78 to A85) has been significantly expanded to reflect the seriousness of this category of allegation.
- A new section on breach of IOC or practice committee conditions, or breach of undertakings introduced (A86 to A91), highlighting distinct aspects of this category not previously captured.

18. In addition to ensuring the guidance is up to date, the aim of this review is to support consistency of approach, transparency, and proportionality in decision making by case examiners. To what extent do you agree that all of these aims are supported by the updated Appendix 1 'Considerations in particular categories of cases', including the changes listed above?

- Strongly agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Strongly disagree
- Not sure

19. Please provide reasons for your response, including any suggestions for where and how the appendix could/should be improved both in relation to how it reflects recent developments in

case law and regulatory best practice, and to better support consistency of approach, transparency, and proportionality in decision making by case examiners.

Undertakings bank for the case examiners

In the interests of consistency, the development of the proposed updated undertakings bank was based on the template established by the conditions bank for the practice committees, which was introduced in January 2026.

The proposed undertakings bank for the case examiners has been adapted to reflect the distinct nature and purpose of undertakings identified by case examiners. One of the ways in which case examiner undertakings are distinct from conditions imposed by practice committees is that undertakings, while proposed by the case examiners, must be agreed to by the registrant before they take effect. As such, they are not restrictions imposed on a registrant's registration but are rather commitments which the registrant undertakes to abide by for the period they are in effect.

To reflect this difference, we have amended the wording of the undertakings to be in the first person, and replaced instances of "You must..." with "I undertake to..." throughout the undertakings bank. We believe this language better-reflects the nature of undertakings.

20. In addition to ensuring our materials are up to date, the aim of this review is to support consistency of approach, transparency, and proportionality in decision making by case examiners. To what extent do you agree that all of these aims are supported by the proposed revised undertakings bank for the case examiners, including the changes listed above?
- Strongly agree
 - Somewhat agree
 - Neither agree nor disagree
 - Somewhat disagree
 - Strongly disagree
 - Not sure
21. Please provide reasons for your response, including any suggestions for where and how the undertakings bank could/should be improved both in relation to how it reflects recent developments in case law and regulatory best practice, and to better support consistency of approach, transparency, and proportionality in decision making by the case examiners. We would also particularly appreciate feedback in relation to the proposed changes to the language of the undertakings bank described above.

Equalities Impact Analysis

We are committed to understanding the impact of our proposals on people or groups of people who have or share protected characteristics.

We are also required under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation, and any other conduct prohibited by or under the Act, advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between people who share a protected characteristic and those who do not.

As part of these considerations, we ensure the equality and diversity implications of new proposals are considered. Our analysis has not identified any adverse impact on people who share protected characteristics, but we are seeking to gather further information on the impact of the proposals from respondents.

We would like you to consider whether our proposals have the potential to impact people based on their protected characteristics. Please note, you do not need to provide us with any information regarding your protected characteristics to answer this question. The protected characteristics identified by the Equality Act 2010 are:

- Age.
- Disability.
- Gender reassignment.
- Marriage and civil partnership.
- Pregnancy and maternity.
- Race.
- Religion or belief.
- Sex.
- Sexual orientation.

22. We want to understand whether, and if so how, our proposals might advantage or disadvantage people. Please consider the above protected characteristics and indicate for each whether you think the revised Guidance for the case examiners and Undertakings bank for the case examiners may advantage or disadvantage people in these groups. Please provide the reasons for your response (including any suggestions for how the guidance and/or undertakings bank could/should be improved).

Any other comments

23. Are there any other comments you would like to make on the proposed revised Guidance for case examiners, or the proposed revised Undertakings bank for the case examiners, that are not covered by your answers to the previous questions? (Please reference paragraph/undertakings numbers in the current or proposed versions where necessary.)

General Dental Council

This information is licensed under the [Open Government Licence v3.0](#)

When you use this information under the Open Government Licence, include the following attribution: Consultation: Revisions to Guidance for the case examiners, and to the Undertakings bank for the case examiners.



This publication is available in clear print, large print, or audio formats on request.

This publication is available in Welsh and other languages on request.

Published 26 March 2026

© Copyright General Dental Council 2026

The General Dental Council is a public body created by statute.

General Dental Council
37 Wimpole Street
London W1G 8DQ
020 7167 6000