

# **Information guide for dental professionals**

This guide may be a useful source of information for dental professionals involved in fitness to practise proceedings who intend to represent themselves. It explains the fitness to practise process step-by-step

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## 1. Introduction

This guide has been written to let you know what to expect when your case has been referred to a hearing. It will help answer your questions about the fitness to practise (FtP) process and will provide some practical guidance to help you prepare for your hearing.

Your family, friends or colleagues may also find this guide useful to help them understand the process and the types of advice and support that are available to you.

## 2. About this guide

This guide will provide you with useful information if you have had a fitness to practise allegation made against you. It gives you information about the stages involved during the GDC's investigation, including the possible outcome, should your case go before a fitness to practise committee hearing.

More information about how we [assess and progress a concern?](#) once it has been received can be found on our website here. You can also find the below information on our website [gdc-uk.org](http://gdc-uk.org):

- Who we are?
- Who is registered with us?
- What is fitness to practise?
- What is the purpose of the fitness to practise process?
- Who can raise a concern?
- What type of cases we investigate?
- What happens when we receive a concern?
- The investigating process?
- Our standards?
- How long will the process take?

The GDC cannot give you legal advice or tell you how to respond to a complaint against you. You should contact your professional body or defence organisation and professional indemnity insurer immediately if we tell you that there has been a complaint made about your fitness to practise.

If for any reason these organisations are unable to assist you, you may want to seek advice from a solicitor or from the Citizens Advice. You can find more information about other organisations who might be able to provide you with advice and support through the process on our additional support page on our [website](#).

If you are legally represented, your representative will provide you with information and advice about the fitness to practice process. They will prepare and make written representations to the GDC on your behalf throughout the process. If your case is referred to one of our practise committees for a hearing, your representative will be able to represent you at the hearing.

We try to make the processes we follow as transparent as possible. If a complaint is made about you, we will treat you fairly. We will give you information at each stage of the investigation and will explain how the process may affect you.

### 3. Submitting and accessing information

As part of your defence if you intend to submit any documents from any third parties (not directly involved in these proceedings), you need to make sure the individual(s) are made aware of the reasons why you need this information and that you intend to use this information in your fitness to practise proceedings. This is important because any information they provide will be disclosable. If necessary, you may need to remove (or redact, blank out) any names and /or details of people (such as patients) who have not agreed for their name to be included in the material you are presenting as part of your defence.

More information about the disclosure of information as part of the fitness to practise process as well as your access rights under the Freedom of Information Act 2000 and the Data Protection Act 2018 can be found in our disclosure policy on our [website](#).

### 4. Interim orders

The Interim Orders Committee (IOC), a statutory committee of the Council, considers whether it is necessary to make an 'immediate' order affecting an individual's registration for the protection of the public or otherwise in the public interest or in the interest of the individual concerned pending the outcome of an inquiry by the investigating committee or one of the practice committees.

By 'immediate', we mean that if an allegation is serious enough to suggest that you may cause harm to yourself or other people, or there are other reasons in the public interest that mean you should not be permitted to practise as normal during the investigation and proceedings, we may apply for an interim order to prevent you from practising, or to place limits on your practise until your case is heard and concluded.

The Interim Order Committee does not investigate the allegations or conduct a fact-finding exercise. These functions are reserved for the practice committees.

A case may be referred to the Interim Order Committee at any stage.

The Interim Order Committee will hear the application for an interim order and if one is imposed it will apply immediately or as soon as the notice of outcome of the committee's decision in relation to the interim order is served on you.

Examples of cases where we may apply for an interim order include sexual misconduct, serious mistakes, or self-administering controlled drugs in the workplace. We consider each case on its own merits.

If we do apply for an interim order, a hearing will be held at relatively short notice because the GDC may need to take quick action to protect the public. The Interim Order Committee will decide whether the allegation is sufficiently serious for an interim order. If the Interim Order Committee imposes an interim order, they can do so for up to 18 months. There will be a review every six months. You can also apply for an early review of the order, if you have new information or your circumstances change. At a review hearing the committee will decide whether it is still necessary for an interim order to be in place.

You are entitled to be represented, or represent yourself, when the committee considers the application for an interim order. You can find more information about what will happen at an Interim Order Committee hearing, and what you might want to do in order to prepare for the hearing, in our document called [Interim Orders Committee \(IOC\) guidance](#). You may also find it useful to read our guidance document for committee members, called [Guidance for the Interim Orders Committee](#).

**As soon as you receive notification of the hearing date, you need to let the GDC's legal team know whether you intend to attend the hearing and, if possible, indicate if you will be have legal representation. You can do this in writing, by email or by telephone.**

## **5. Case examiners**

Case Examiners are GDC staff members who have a statutory duty to make decisions at the conclusion of an investigation. Each case is considered by a pair of case examiners (one lay and one dentist or dental care professional) who review all relevant evidence obtained during our investigation, including any evidence you or the informant provide.

Case Examiners are not asked to make findings of fact in a case or come to substantive conclusions regarding your fitness to practise but are instead asked to determine whether an allegation should to be considered by a practice committee. As such they essentially conduct a filtering process, closing some cases and referring others for a full hearing.

The Case Examiners will have to consider:

- where there is a real prospect of the alleged facts, being found proved, and if so:
- whether or not there is a real prospect of the statutory ground being established (e.g. misconduct), and if so:
- whether or not there is a real prospect of a finding of current impairment being made.

## **6. The Investigating Committee**

The Investigating Committee will meet in private to consider:

- whether there is a 'real prospect' of the facts, as alleged, being found proved, and if so,
- whether or not there is a 'real prospect' of a finding of current impairment being made.

The Investigating Committee does not decide whether the allegation is proven, they only decide whether we have a real prospect of proving the allegation at a full hearing.

The Investigating Committee may decide that:

- more information is needed.
- it is appropriate, with your agreement, for you to comply with undertakings.
- the 'real prospect' test has been met (which means they will pass the case to one of our committees, which are explained in more detail below), or
- there is 'no case to answer' (which means that the case does not need to be taken any further. If this is the case, you may be issued with a written warning or advice about your conduct or performance to ensure you do not repeat your behaviour or activities in the future (a warning may be published on our website or it may be given in private depending on what the Investigating Committee decide is appropriate).
- your case should be referred to the Interim Order Committee (see above).

We will write to you (and the person who raised the concern with us) and give you the Investigating Committee's decision and its reasons.

## **7. Appeals against the decision of the Case examiners and the Investigating Committee**

There is no process for appealing against a decision of the Case examiners or the Investigating Committee. However, if you consider that the decision is wrong you may apply for permission to lodge a judicial review<sup>1</sup> of the Case examiners or the Investigating Committee decision.

Case examiners can review a closure or warning decision. More details about the Case examiners can be found on our [website](#).

If the Investigating Committee decide there is 'no case to answer' and we receive another concern about your fitness to practise which is similar in nature, we can take the first case into account when considering the new information.

## **8. What happens if my case is referred to a hearing?**

If the Case examiners or the Investigating Committee decide that your case should be referred to a hearing, we will arrange for your case to be heard. The case will be heard by one of the following committees:

- The Professional Conduct Committee - for cases alleging misconduct, evidence of convictions, cautions or determinations by other regulators and decisions to bar a professional.
- The Health Committee - for cases where your health may be affecting your ability to practise.
- The Professional Performance Committee - for cases where there are allegations about your standard of skills and/or knowledge.

You can find more guidance information on our website about the role of the committees.

- [Professional Conduct Committee](#)
- [Health Committee and Interim Orders Committee](#)
- [Professional Performance Committee](#)

## **9. Review of previous determinations: Rule 6E and Rule 8E**

During an investigation, cases may sometimes be referred back to the Case Examiners or the Investigating Committee by a committee, the GDC's legal team, the casework team, the registrant or the informant to ask for a review. This normally happens if new information becomes available.

Should this occur, all interested parties will be given an opportunity to submit written representations before the Case Examiners or the Investigating Committee make a decision. The Case examiners or Investigating Committee may, if it considers it appropriate, cancel the need for a full hearing.

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<sup>1</sup> Judicial Review is when a case is considered by the High Court to make sure that the decision is legal and based on good procedure.

## 10. The GDC's legal team

If your case is referred to a hearing, the GDC's in-house legal team, or the solicitors instructed to act for us, will start preparing the case for the hearing. They will gather information and take witness statements from people they believe have relevant information about the matter. This may include the informant who originally brought the matter to our attention. They may also instruct clinical or medical experts to provide an expert report as appropriate. More details about this can be found at section 25.

We will give you the details of the legal team acting on our behalf. The legal teams' representatives will remain in contact with you or your legal representative (if you have one) throughout the next stage of the process.

You will be provided with the contact details of the lawyer and paralegal dealing with your case in the GDC's legal team. If you have any questions about what is happening with your case, you should contact them.

## 11. The GDC's pre-hearing case management process

Before we schedule your case for a hearing, we will invite you or your legal representative to participate in the GDC's pre-hearing case management procedure.

The GDC's pre-hearing case management procedure allows the parties to communicate effectively with one another (facilitated by a neutral GDC hearings case management officer, who is not involved in the fitness to practise proceedings). It can help both sides reach agreement in relation to the effective management of the hearing.

This procedure cannot be used to consider the merits of the case or the reliability of any of the evidence.

You or your representative may be invited, along with the GDC's legal team, to attend a telephone conference in order to deal with practical issues relating to the hearing. This might include, for example, finding a suitable hearing date, identifying the number of witnesses to be called by both parties and agreeing dates when information will be disclosed between the parties.

Sometimes, the parties may need to make an application for a preliminary meeting to take place before the full hearing, in order to address specific issues. For example, the GDC may want a vulnerable witness to give evidence from behind a screen or remotely by video link, Skype or telephone. Or you may want the hearing dates changed because one of your witnesses is unable to attend the hearing.

If you want your scheduled hearing dates changed, you should inform the hearings case management officer and the GDC's legal team as soon as possible. You may be required to submit your request in writing with supporting evidence.

Hearings are normally held at two locations in London. From January 2020, all hearings will be held at 37 Wimpole Street, London. In exceptional circumstances, the hearing may be held outside London.

If it is not possible for a witness to come to the hearing in person, the committee may allow them to give their evidence by other methods, for example, by video link, Skype or in exceptional circumstances by phone.

If you think you or one of your witnesses may need to rely on one of these methods to participate in the hearing or to give evidence, you need to bring this to the attention of the hearings case management officer and the GDC's legal team. Please let us know early in the process so that we can arrange the relevant facilities if we think your request is reasonable. Further witness related details can be found on our [website](#).

Further details about the GDC's pre-hearing case management process can be found in

guidance that will be sent to you when the process starts.

If you do not take part in the pre-hearing case management procedure, the hearings case management officer may not be able to consider any requests you might have.

The hearings case management officers cannot guarantee to schedule the hearing at a time that suits everyone, but they will try to accommodate the wishes of the parties, so it is helpful if you participate in the pre-hearing process from the outset.

## **12. What practical steps can I take to prepare myself for the pre-hearing telephone conference?**

If you are required to participate in a pre-hearing telephone conference, you may wish to consider the following points:

- Carefully read our pre-hearing case management procedure guidance, as this gives details about what to expect. You will be sent a copy of this guidance if your case has been referred for a hearing.
- Make notes of any points you wish to raise and any questions you might want to ask the hearings case management officer.
- Make sure that you have somewhere quiet to dial into the telephone conference where you will not be interrupted and can speak freely. A pre-hearing telephone conference call can take up to 30 minutes.
- If you intend to call witnesses to the hearing, you should try and check their availability dates to attend the hearing before the pre-hearing telephone conference call takes place, as this may assist in the scheduling of the hearing date.

## **13. Notice of hearing**

The GDC's legal team will send you a formal letter called a 'notice of hearing' at least 28 days before your hearing is due to start. The notice of hearing will be sent to your registered address. It is your responsibility to keep your contact details up to date, so we can keep in contact with you and send you correspondence and documents relating to your case.

The notice of hearing will:

- confirm the listing date(s), time and venue of the hearing
- confirm the details of allegations (also referred to as the charge) you face
- confirm that you have the right to attend the hearing, be represented, or represent yourself
- confirm you have the right to present your case and submit evidence
- confirm that the hearing can proceed in your absence if the committee is satisfied that you have been given notice of the hearing, and
- provide you with a copy of the GDC's legal rules which set out the role and powers of the committee.

At least two weeks before the date of the hearing we will publish, on our website, the date of the hearing and the allegation(s) against you. If the allegations relate to a registrant's health, we will not publish these on our website.

## 14. Deciding on whether to come and participate in the hearing

You don't have to come to your hearing, but it is usually in your best interest to attend and participate in your hearing as this could potentially have an impact on your GDC registration. If you attend, you will be able to give your comments and account of things and you will be able to answer any questions that may be asked by the committee.

You need to let us know as soon as possible if you:

- intend to come and participate in your hearing.
- have any additional needs that may affect your ability to attend the hearing venue in person, for example some registrants may find it difficult to attend due to a health reason.
- are disabled, have communication difficulties, medical needs or other requirements so that arrangements can be made, e.g. providing information in large print, arranging BSL interpreters or ensuring regular breaks to meet medical needs.
- require an interpreter for languages other than English.

Our venues are wheelchair accessible and have induction loops for those with hearing aids.

If you decide not to attend your hearing, you can submit written comments, referred to as 'submissions', to the committee. If you want to do this, send your written submissions to your GDC contact in the legal team. You should do this by the date specified in any directions sent to you by the hearings case management officer.

Further details about making submissions can be found in sections 26-28.

Please note, the hearing may go ahead without you or your representative being present if the committee is satisfied that you have been given notice of the hearing and it is appropriate to proceed with the hearing in your absence.

## 15. Children attending the hearing venue

Children are not permitted in a hearing room unless they are a witness. Our hearing venues are not an ideal environment for children to wait for a long period, so we would not recommend you bring them with you.

If you have no choice and need to bring children with you, please let us know as soon as possible. You also need to ensure that they are supervised by a responsible adult at all times as our staff cannot take any responsibility for them.

## 16. Representation at the hearing

Throughout your hearing you have the right to:

- Be legally represented, or to represent yourself.
- Be represented by a member of an organisation of which you are a member or by a friend or family member, whether legally qualified or not.
- Prepare and produce statements and documents in your defence.
- Call witnesses, including expert witnesses, in support of your case.

If you do not have legal representation and plan to come to the hearing you will be given the opportunity to meet the committee's independent legal adviser who will be assisting the committee during the hearing. The independent legal adviser will be able to explain the fitness to practise process to you, but they will **not** be able to give you any legal advice.

Find more information about other forms of support and assistance available to you during the fitness to practise process on our website [here](#).

## 17. The hearing

Our venues are open from 8.30am. We recommend that you arrive at least 30 minutes before your hearing is due to start. This will allow you time to familiarise yourself with the environment and gather your thoughts. On arrival you will need to report at reception and you will be shown where to wait with your legal representatives, if you have one.

Hearings normally take place from 9.30am until 5pm There is a lunch break of about one hour and breaks throughout the hearing. The notice of hearing will confirm the date(s) of the hearing.

At the hearing both you and the GDC can apply to have the hearing adjourned. An adjournment application can be made at any stage during the hearing, in person and in writing. The committee can also decide to adjourn a hearing if it feels it is appropriate to do so.

Before deciding whether to adjourn the hearing, the committee will hear oral submissions (representations) from you (if you are present) and the GDC's representative about the application. If you request an adjournment, you will need to explain why you want the hearing to be adjourned and for how long. The independent legal adviser may also give advice before the committee makes its decision. If the request is refused the hearing will continue.

Hearings are usually held in public. This means that members of the public (including the press) can attend. Sometimes, all or part of your hearing is held in private if confidential or sensitive information is to be considered. This may be the case if, for example, the committee thinks it needs to protect patient confidentiality or protect your private life or that of any witnesses. You or your representative can apply to the committee to hear all or part of a case in private.

Even if the committee holds a hearing in private, any decisions the committee makes, and the reasons for these, still need to be given in public, but it will not outline the sensitive information that was disclosed and considered by the committee.

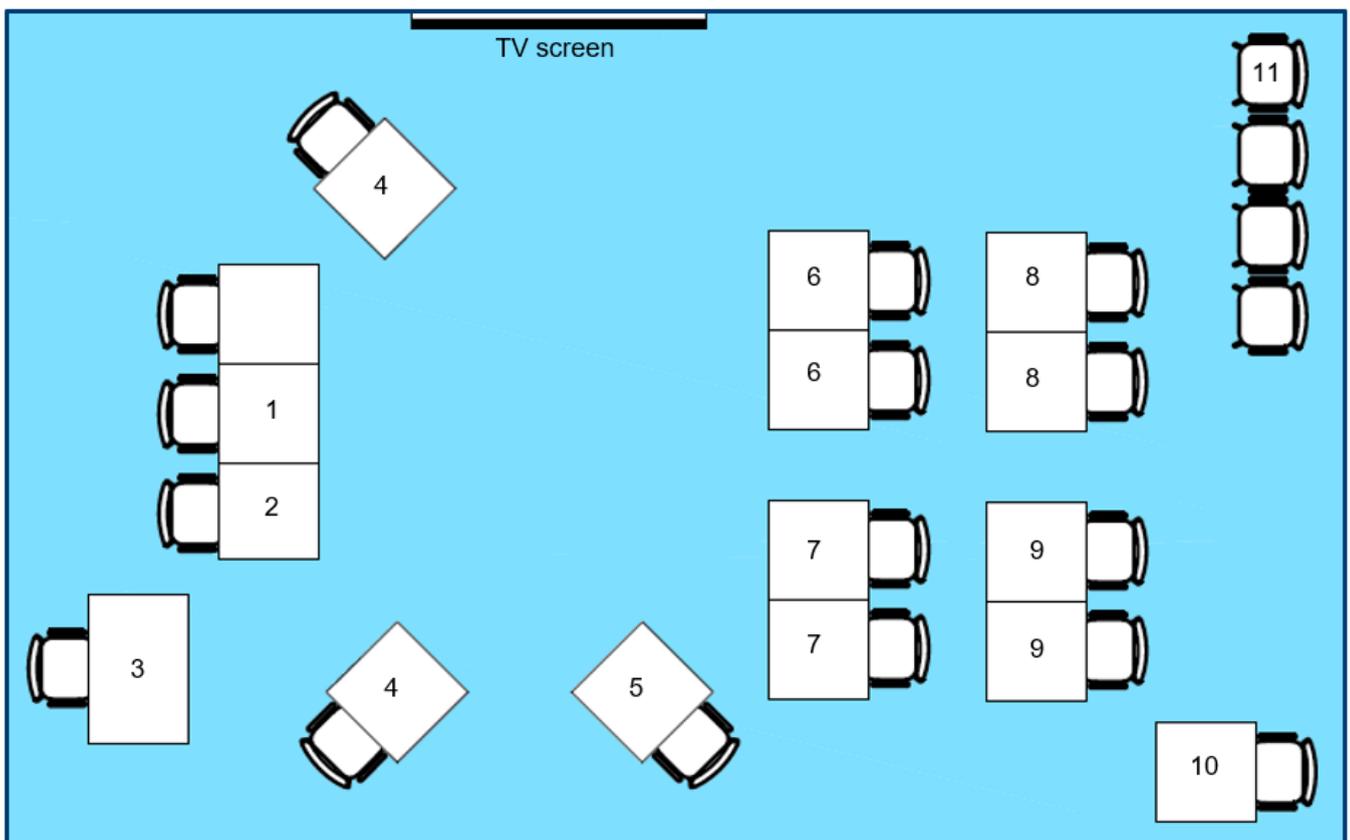
## 18. Who attends the hearing?

- You and any legal representatives you have instructed and members of your defence organisation (if you have one).
- The GDC case presenter, their role is to represent the GDC at the hearing and put our case to the committee, examine and cross-examine witnesses (i.e. ask questions of them).
- Members of staff from the GDC's legal team, this will normally be either a lawyer or paralegal who has been preparing the case for a hearing.
- Committee panel members are all independent of the GDC and completely impartial. At least one member will be a dental professional and one will be a lay person, who is not a dental professional. The committee chair will be an experienced panel member who runs the proceedings to make sure the hearing is fair.
- An independent legal adviser (an experienced barrister or solicitor) appointed by the GDC. He/she will give advice in public on legal matters and the procedure to be followed by the committee. The legal adviser does not take part in decision making, although they remain with the committee throughout its private deliberations.
- A medical adviser may be appointed by the GDC in a health-related case.
- A committee secretary is a member of GDC staff responsible for making sure that the hearing runs appropriately. They do not play any role in making decisions although they remain with the committee throughout its private deliberations and help draft the committee's determinations, setting out the reasons for their decision(s).

- A hearings support officer is a member of GDC staff. They provide support throughout the hearing to the committee, the parties and witnesses.
- A logger may be used to ensure a digital recording of the hearing is taking place. This recording will be used if we need to prepare a written transcript of the hearing. If you need a copy of the transcript you will need to contact a member of staff from our Hearings team, after the hearing has finished.
- Witnesses, both parties can call witnesses relevant to the case. They may include the informant, patients, experts, colleagues and GDC staff.
- A witness support officer is a member of the GDC staff, they may be present to offer support and assistance to witnesses and unrepresented registrants, if required.
- Members of the public and press can also attend hearings and will be allowed to observe if it is being held in public. If you have brought someone with you, they may be allowed to sit next to you, or they may in the public seating area.

### 19. 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 a hearing room.



As most of our hearings are held in public, you can come and see a hearing room and a hearing taking place prior to your own if this would be helpful to you. You can attend at any time but it may be worth contacting the hearings team in advance so they can confirm that there is a hearing taking place and that it is being heard in public.

## 20. What happens at the hearing?

Our [Committee decision making simple guide](#) can be found on our website [gdc-uk.org](http://gdc-uk.org).

- Both parties are given an opportunity to deal with any preliminary applications, relating to matters of law or procedure.
- You (or your legal representative) will tell the committee if you admit to any of the allegations made against you. More details about making admissions can be found in section 23.
- The GDC's case presenter will open the case. The case presenter will describe its case against you.
- The GDC will call its witnesses and ask them questions to take their evidence from them. This is called 'examination-in-chief'.
- You (or your legal representative) may cross-examine the witnesses. This means you<sup>1</sup> (or your representative) will be able to ask them questions and may challenge the things they have said in their examination-in-chief or in their statements.
- The committee may question the witnesses.

After the GDC has completed its case, you may:

- Make a submission that there is no case to answer (i.e. that the GDC has provided insufficient evidence to support the allegations against you and/or that your fitness to practise is impaired). If the committee determines that there is no case to answer, then the hearing will not proceed any further.

Where there has been no submission that there is no case to answer, or there has been such a submission, but it has not been successful, you may present evidence in support of your case. At this stage, you may decide to give evidence or call witnesses in support of your case.

The GDC is likely to question you and your witnesses through cross-examination as described above. The committee may have further questions for you and your witnesses.

The hearing is conducted in two stages<sup>2</sup>

### Stage one

This is the factual inquiry. At this stage, the allegations, as set out in the notification of hearing, are considered. The burden of proving the allegations lies with the GDC.

However, you will be asked at the beginning of this stage whether you have any formal admissions to make.

- Both parties, starting with the representative for the GDC, will have the opportunity to present evidence to the committee<sup>3</sup>. This can be done by providing documents or calling witnesses to give evidence (under oath<sup>4</sup>) about relevant factual or expert matters. If you wish, you can also give evidence under oath about your recollection of the events or issues in question.
- After all the evidence has been seen and heard, independent legal advice is given to the committee by the legal adviser. Following this, parties and any members of the public will be asked to leave the hearing room. The committee will remain to make its findings of fact. Essentially, it will decide on the balance of probabilities, whether the individual allegations are proved; that is, whether it is more likely than not that what is alleged happened.

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<sup>1</sup> To question a witness called by the other party to challenge, extend or clarify the testimony they have given. In some circumstances if you are representing yourself, you may not be permitted to ask some witnesses questions directly, in particular if the matters alleged relate too inappropriately to sexual behaviour. Further information about this can be found in our Witness Information Guide on our website.

<sup>2</sup> These are the main stages of the hearing. There may be times when other relevant matters need to be considered and determined by the Committee.

<sup>3</sup> After the representative for the GDC has presented all the GDC's evidence, and before you start presenting your evidence, you can choose to address the Committee on whether you think the GDC has produced sufficient evidence to successfully prove one or more of the allegations against you. The Committee will consider the comments you make and inform you of its decision(s).

<sup>4</sup> An oath is a promise to tell the truth. If you are religious, you can take an oath on a holy book of your choosing. 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 and nothing but the truth.

When the committee has made its findings of fact, parties and any members of the public are invited back into the hearing room. The chair of the committee will then announce each outcome, giving reasons where appropriate. If some or all of the allegations are found proved, the hearing will move to stage two.

### **Stage two**

- This is when (findings of) impairment and sanction are considered.
- As in stage one, both parties, starting with the representative for the GDC, will have the opportunity to present evidence which is specifically relevant to impairment and sanction. If you wish, you can give further evidence under oath to the committee.
- Following any evidence, both parties, starting with the representative for the GDC, will have the opportunity to make submissions on the issues of impairment and sanction. This means that you will be able to speak to the committee and tell them what has changed since the events complained about occurred and what you think should happen now to your registration with the GDC.

Submissions are not evidence. They are comments, observations or suggestions that you wish the committee to take into account when considering the outcome of your case. This can include any extenuating circumstances and testimonials. During submissions, reference may be made to any applicable GDC guidance documents, copies of which can be provided to you before the hearing.

- After all the evidence has been seen and heard, and submissions made, independent legal advice is given to the committee by the legal adviser. Following this, parties and any members of the public will be asked to leave the hearing room. The committee will remain to decide: (a) whether your fitness to practise is impaired, and if so, (b) what sanction, if any, to impose on your registration. The committee will make its decisions using its own independent judgement and any other guidance it considers appropriate.
- When the committee has made its decisions, parties and any members of the public are invited back into the hearing room. The chair of the committee will then announce the decisions and the reasons for them.
- If a sanction of conditions, suspension or erasure is imposed, there will be an additional short process to allow the committee to decide whether to take immediate action in respect of your registration. If this applies in your case, the purpose and manner of this process will be explained to you.

## 21. What powers does the committee have?

The committee can make the following sanctions:

- **Reprimand** - The committee decides to give a reprimand which is a statement of its disapproval, that remains against your name for a period of 12 months. However, it doesn't impose any restrictions on your registration.
- **Conditions** - Conditions are applied to your work for a set period. The conditions may require that you take further training and then give evidence to prove that you have taken steps to improve. Conditions usually have to be reviewed before the end of the period.
- **Suspension** - The committee suspends your registration. This means that you cannot work as a dental professional or profit from dentistry for a set period of time. This will usually be reviewed before the end of the suspension period.
- **Erasure** - This is the most serious course of action as it removes your name from the GDC's register. This means that you can no longer work as a dental professional in the UK for a period of five years. Thereafter, you can apply to the GDC to have your name restored to the GDC's register.

When deciding what sanction to impose, the committee will always consider the least restrictive options first, and decide if it is appropriate to apply them, before moving onto other orders that are available.

The committee will always consider the individual circumstances of each case and will take into account all that has been said at the hearing before making its decision.

We will give you or your representative a copy of the committee's determination (i.e. its explanation and reasons) at the end of the hearing. We will also put this information on our website. If the case has involved any particularly sensitive information about your health or personal circumstances, we will make sure that the version available on the website does not include sensitive information.

Previous decisions made by the committees are available on our [website](#) and will give an idea of the types of sanctions imposed.

You can find more details about the sanctions the committee can impose in our [Guidance for the Committees – including Indicative Sanctions Guidance](#) on our website or we can send you a copy.

## 22. What practical steps can I take to help prepare myself for the hearing?

Start preparing for your hearing at the earliest opportunity. This will help you meet the deadlines set out in the pre-hearing case management directions and ensure you are prepared to present your case at the start of the hearing.

If you attend the hearing you will be able to make oral submissions and question the GDC's witnesses and your own (if you intend to call witnesses). If you intend to call witnesses, you might want to have a look at our [Witness Information Guide](#), which sets out what it means to be a witness.

If you don't plan to attend the hearing you can send your written submissions and any other evidence, you want the committee to consider. You must send this information to the GDC's legal team and you must try and do this by the deadline you have been given.

**Any late written submissions or other documents you want the committee to consider must be sent to the GDC's legal team by 3pm the day before the hearing is due to start. If you are unable to do this and are planning to attend the hearing in person you must bring seven copies of the document(s) to the hearing with you. This is to ensure that there are enough copies available for all the parties associated with the hearing. There are printers at our hearing venue.**

### **23. Deciding how to respond to the allegations**

When preparing for your hearing, it is essential to carefully consider the allegation(s) you face and the evidence the GDC's legal team disclose to you. It is important to decide whether you accept or dispute the allegation(s).

### **24. Making admissions**

If you agree with some or all of the alleged facts set out in the notice of hearing, this is called an admission.

You can make an admission by telling the GDC's legal team before the hearing takes place. Making admissions before the hearing could mean the length of the hearing may be reduced, as less time might be needed to consider the evidence during the first stage of the hearing, where the facts alleged need to be presented and proved, as described in section 20.

At the start of the hearing, the committee chair will ask if you wish to make any admissions. You can also indicate to the committee if you wish to make any further admissions during the first stage of the hearing based on the evidence that has been presented.

Once both parties have presented their evidence, the committee will formally decide whether the allegation(s) have been proved.

### **25. Deciding what to prepare**

After you have carefully considered the allegation(s) and the GDC's evidence, you may find it useful to make a note of any information you wish to present to the committee, so you can start gathering the information.

You may want to make a note or highlight specific information in the GDC's hearing bundle, if it is something you wish to address or challenge at the hearing. For example, you may dispute a GDC's witness' account of events and may want to question them about it at the hearing, when they give evidence. If you want to do this, you will need to tell the GDC's legal team that you want the witness to attend the hearing, so you can ask questions. More details about this can be found at section 29.

You may want to prepare and submit:

- A witness statement, setting out your factual account of events.
- Witness statements from individuals who were present at the time when the events occurred, who will be able to give their account of what happened.
- An expert report from an independent individual who will give an opinion relevant to the issues in your case. For example, if your case involves allegations of inadequate care or working beyond the scope of your practise, the GDC will obtain an expert opinion in the relevant area. The expert will provide a report and will comment on whether your actions met the expected standards. If you decide to instruct an expert in your case, you will have to pay for this service. An expert witness will attend a hearing in person to answer any questions that you, the GDC or the committee may have.
- Other documents, which may include letters, emails, telephone notes, clinical records, photographs and recorded material, including audio and video clips etc.

If new information comes into your possession during the hearing, you should let the GDC's legal representative know, even if you don't intend to use this information at the hearing.

At the hearing you will also be given the opportunity to make oral submissions by speaking in person. If you are represented, your representative will do this for you.

You do not have to disclose any correspondence, advice or recorded discussion between yourself and your legal representative, this is considered as confidential and does not need to be disclosed.

## 26. Practical points to consider when preparing and making submissions

Always adopt an organised approach to planning your submissions. When doing this you might want to consider the following points:

- Organise your points in a logical order, using clear headings.
- Think about how to break down the points you want to make, so that you can present your argument(s) in manageable chunks. For example, if you have three reasons which support your view, say so and refer to each reason by number ('my first reason is...my second reason is...' etc.).
- Be prepared to tell the committee where to find each piece of evidence that supports your position (for example, by referring to the page number in the hearing bundle). By doing this you can make sure they are reading the information you want to draw to their attention while you are making your points.
- Use your own words, as you may find it easier to express your views in this way. Aim to be as concise as possible, using short sentences and stay focused.

## 27. Practical points to consider when preparing and making oral submissions

### Before the hearing:

You might want to practise what you want to say by saying it out aloud to a friend or family member. This may help you check whether your statement(s) are clear and easy to understand.

### At the hearing:

- Use the microphone in front of you, it will help you raise your voice so everyone can hear you clearly.
- Make sure you speak clearly and slowly so the different individuals involved in the hearing can take notes of what you are saying. They need to do this to carry out their respective roles. Individuals may take notes, as they may want to refer to what you have said at different stages of the hearing.
- When you finish your sentence, you may want to check to see if the committee or the GDC's representative are still writing before you start speaking again.
- Don't interrupt the GDC's representative when they are speaking to the committee. You will be given a chance to speak when it is your turn. If, however, you think that you need to interrupt, make sure you do it in the right way; address the chair when the GDC's representative comes to the end of their sentence and explain the reason for your interruption.
- Listen carefully to any questions asked by the committee or the GDC's representative and answer them clearly.
- Try to stay calm and avoid using strong emotional language.

## 28. Practical points to consider when preparing written submissions

- Typed written submissions are preferable to handwritten ones, as they are much easier to read.
- Use a large font like Arial 11/12 as it's much easier to read.
- Use headings to signpost each point you are making and use bullets or numbered points to make your arguments clear.

## **29. Other essential steps which need to take place before the hearing starts**

In the weeks leading up to your hearing, there are several key things you might need to do to make sure you are prepared for your hearing.

### **GDC disclosure**

You need to make sure you have copies of the notice of hearing and evidence the GDC has disclosed to you. If you have any questions about the documents the GDC have provided to you, for example if you think something is missing, you need to raise this with your GDC contact in the legal team without delay.

### **Hearing bundles**

In accordance with the GDC's rules, it must disclose to you and/or your legal representative(s) all the documents it intends to rely on in support of its case.

The bundle you will receive will be called the 'used evidence bundle' or 'hearings bundle'.

The GDC may also send you another bundle of documents called 'unused evidence bundle' or 'unused material', containing information the GDC does not intend to use at the hearing. You should review this information as it may be helpful to you when preparing your defence.

In most cases the hearing bundle will include witness statements from individuals who have provided information to the GDC. The GDC will set out which witnesses it intends to rely upon and when they will be attending the hearing. The GDC will also indicate if a witness is unable to attend the hearing in person and will explain how they propose the witness should give their evidence, for example, by Skype or telephone (subject to permission being granted by the committee).

After you have carefully reviewed the hearing bundle, you should let the GDC know if you:

- want any other documents included in the bundle and explain why,
- object to any documents being included in the bundle and explain why and
- if you want to question any of the GDC witnesses.

If you plan to produce any patient identifiable information at the hearing you should read our guidance information on [disclosure of information](#) as part of the fitness to practise process. It's important to make sure the documents you disclose comply with your responsibilities under data protection legislation. The party relying on a document is responsible for making sure any personal data appearing in that document is appropriately redacted (blacked out) as explained in section 3. More details about this can be found on our [website](#).

### **Witness attendance**

If you wish to call your own witnesses, you should ensure that each witness produces a signed and dated statement. This information should be provided to the GDC. The GDC will tell you which, if any, of your witnesses it wishes to question, so you can make arrangements for them to attend the hearing. They will also be able to give you guidance as to when the witnesses are likely to be required to attend, or how to make alternative arrangements so that they can attend remotely by Skype or telephone.

You can also provide testimonials from fellow dental professionals or other healthcare professionals and patients and you can call character witnesses to give evidence in person.

Please note that the GDC cannot pay for any travel or accommodation costs that you, or any of your witnesses incur in order to participate or to attend the hearing.

### **Preparing questions for witnesses**

At your hearing you will be given the opportunity to question your own witness, this is usually referred to as examination in chief.

You will also be given the opportunity to question the GDC witnesses. This is usually referred to as cross-examination. It is important to think in advance about the questions you might have for the

GDC's witnesses. There is however one exception to this rule, if you are representing yourself and the complaint against you is of a sexual nature and the witness is the alleged victim, you will not be allowed to cross-examine the witness yourself. In these circumstances, the GDC hearings team will arrange for a barrister to attend the hearing to ask questions of that witness on your behalf.

When preparing your cross-examination questions, you may find it useful to consider the following points:

- You may find it helpful to write down a list of questions you want to ask the witness when reviewing their witness statement and / or the hearing bundle. You may also want to add to this list, while you are listening to the witness' responses to the GDC's questions at the hearing.
- Ask questions in a logical order, for example in a chronological order, or in the order set out in the notice of hearing.
- Consider whether you want to ask closed questions, (those that can be answered with a single word, or short phrase) or open questions (such as 'how did...' or 'can you tell me...'), which will generate a longer answer.
- Ask one question at a time.
- Ask about inconsistencies, as a witness may have said something different at the hearing to what was set out in their witness statement or in other documents contained in the hearing bundle.
- Don't argue with the witness.

### **Will I be questioned by the GDC and the committee?**

If you decide to give evidence at your hearing you may be cross-examined by the GDC's case presenter. You may also be questioned by the committee. You should try to be familiar with your witness statement or any other documents you have submitted as part of your case.

### **30. Appeals against the committee's decisions**

If the committee makes a decision that restricts your practise, you can appeal against the committee's decision if you think it was wrong or the sanction was unfair. You only have 28 days in which you can make an appeal. You should submit your appeal to the High Court in England and Wales or to the Court of Session in Scotland. Should you wish to appeal, you may wish to seek legal advice in relation to any potential appeal you may wish to make.

### **31. Notification to Professional Standards Authority**

All decisions made by the committees are reviewed by the Professional Standards Authority which promotes best practice and consistency in regulating healthcare professionals. If the Professional Standards Authority thinks the decision is not sufficient for the protection of the public, it can appeal against the decision to the courts.

The Professional Standards Authority has 40 days, starting from the end of the appeal period given to the registrant, in which to lodge an appeal against a decision of the committee.

## 32. Review of conditions of practice and suspension orders

If the committee imposes conditions or a suspension order on you, it will usually arrange a hearing to review the order, shortly before it is due to run out. This is known as a resumed hearing. If your case is to be reviewed, then you will be told about it when the sanction is imposed.

If practising conditions were imposed on your registration the committee will look for evidence that you have met these conditions at the review. If you were suspended, the committee will probably look for evidence that you have dealt with the problems that caused the suspension.

A review committee will always want to make sure that the public are protected. If they think you are still not fit to practise (or if they think you should not practise without restrictions), they may extend the conditions or suspension order. They may also replace the order that is running out with another order that could have been made at the time of your original hearing.

For example, they may replace a 'suspension' with 'conditions' if they think this provides enough public protection. They may also consider suspending your registration.

The GDC will monitor all cases where you are the subject of suspension or conditions, to ensure that you have complied with the committee's order.

If we identify that you may be in breach of an order, we will ask for your comments regarding the apparent breach.

We can:

- Note the breach for a future reviewing committee to consider.
- Make a request that the order is reviewed early.
- Make another referral to fitness to practise.
- Make a referral to the GDC's In-house Appeals and Criminal Enforcement team to consider.

The case review team monitor compliance with:

- interim orders for conditional practices.
- practice Committee orders for conditional practice
- some suspension orders, either imposed by the Interim Order Committee or a practice committee
- agreed sets of undertaking (some registrants have these as well as other orders)
- voluntary removal requests from the register.

You may wish to contact the Case Review team if you require assistance with any of the above matters.

We cannot:

- interpret a committee's decision
- give you legal advice.

## 33. Restoration

If your name is erased from the register, you can apply for restoration (to be put back on the register) after five years.

A hearing will be held before a committee, who will consider your application. Find out more on our [website](#).

### **34. GDC Contact details**

If you need any more information, please contact our Fitness to Practise team or our Hearings team:

Fitness to Practise team  
One Colmore Square  
Birmingham  
B4 6AL  
Telephone: 020 7167 6000

Hearings team  
37 Wimpole Street  
London  
W1G 8DQ  
Telephone: 020 7167 6000

Case Review team  
One Colmore Square  
Birmingham  
B4 6AL  
Telephone: 020 7167 6000