The words no dental professional wants to hear

Priya Sharma
explains
the various
sanctions

that can be imposed
by the General Dental
Council's Fitness to
Practise panel.

Erasure.

The Committee has determined, and hereby directs, that Dental Professional X's name be erased from the General Dental Council's professional register...

It goes without saying that these are words that no dental professional wants to hear. Many dental professionals are under the impression that erasure is the only sanction after a fitness to practise hearing. This, however, is not correct. There are a variety of sanctions that can be imposed, if at all, on a registrant's practice. All proceedings are carried out with utmost care and caution of fairness, justice and proportionality.

Practice committees

There are three practice committees at the General Dental Council (GDC):

Professional Conduct Committee (PCC) – this panel of decision makers deal with a range of allegations from criminal convictions to inadequate dental treatment

Professional Performance Committee – this committee addresses deficient professional performance

Health Committee – this panel will deal with allegations into a registrant's physical and/or mental health. It will include cases dealing with illicit drug abuse, alcohol dependency, etc. These hearing are usually held in private and are not open to the public.

All Committees consist of three panel members including a registered dentist, dental care professional (DCP) and a layperson. The panel will have the assistance of a legal advisor who is not part of the decision making process. There will also be a Committee Secretary and a Hearing Assistant. A logger will also be present in the room who notes what is being said throughout the hearing. The GDC prosecutes the case and has the burden to prove the case. The Defence will represent the registrant. There will be various witnesses including experts throughout the proceedings. Unless otherwise

Author information

¹Dental nurse and practice manager Priya Sharma grew up in Canada and moved to the UK in 2006. In addition to writing for *BDJ Team*, Priya has a varied background in pharmacy and pharmacovigilance, sits on the GDC's Fitness to Practise panel, and is married with two children.

stated all hearings must be open to the public and there may be various people at the back of the room including reporters from the media.

Sanctions

The practice committees have a range of sanctions available in the impairment and sanction stage of the hearing. They will first consider that as a result of the facts found proved, is the registrant's fitness to practise currently impaired. If they consider the registrant to be currently impaired then the Committee will apply the principle of proportionality and select the least restrictive sanction to impose on the registrant. It is mandatory that the Committee considers the sanctions in increasing order of severity.

The following are the range of sanctions the Committee can impose:

- To take no further action
- To issue a reprimand
- To impose conditions
- To order a period of suspension
- To erase the name of the professional from the dental register.

This article will consider each sanction in turn.

No further action

After a thorough consideration the Committee may find that the registrant's fitness to practise is not impaired. No further action is taken and the case is closed.

Reprimand

According to the GDC a reprimand 'is a statement of the Committee's disapproval, but the registrant is still fit to practise with no restrictions and so no other action needs to be taken. This is the least restrictive sanction which may be ordered. It is only suitable if there is no risk associated to patients or the public. The reprimand will appear on the GDC's register and is in the public domain. It is considered a part of one's fitness to practise history.

Conditions

A conditions of practice order is placed on a registrant if it is deemed necessary to protect the public or it may be in the registrant's own interests. Conditions are often appropriate if there are shortfalls in discrete aspects of the registrant's practice and there is a willingness to engage with the process by the dental professional. The conditions set out by the Committee must be workable, that is, they cannot in reality amount to suspension. In addition, this order should be able to be monitored for compliance and often one will find their practice is being mentored by

supervisor and a personal development plan is created with the local Deanery. It can be imposed for a maximum of 36 months with a review. Conditions are usually implemented 28 days after the date of notification as this is the statutory appeal period. There may be some cases where an immediate order is placed so as to protect the public. At the review hearing the registrant may provide additional documentation and evidence highlighting their remediation and insight. The reviewing Committee may extend the period of the order, vary the conditions, reduce the period of conditional registration or revoke the order.

Suspension

A dental professional's registration may be suspended for a period not exceeding 12 months. During this period the registrant may not carry out the practice of dentistry nor carry on with the business of dentistry. For example, suspension is appropriate if the behaviour has been repeated, there is a lack of insight and there is real risk of repeating this behaviour in the future. Once again this may be imposed 28 days after the date of notification or an immediate

that removal of their professional status is the only appropriate outcome. Erasure is the most severe sanction that can be applied by the PCC and should be used only where there is no other means of protecting the public and/or maintaining confidence in the profession. Erasure from the register is not intended to last for a particular or specified term of time. However, a registrant may apply for restoration only after the expiry of five years from the date of erasure.

If the registrant is impaired solely on health grounds then they cannot be erased from the dental register. Erasure however is considered where there is a serious departure from professional standards, where serious harm was seen in patients and a continued risk of serious harm exists, findings of a sexual nature, serious dishonesty and a persistent lack of insight.

Restoration to the Register

After a period of five years the erased registrant may apply for restoration to the register. The burden of proof lies with the registrant to demonstrate that they are fit to practise and that they meet all requirements including but not

'There are a variety of sanctions that can be imposed, if at all, on a registrant's practice. All proceedings are carried out with utmost care and caution of fairness, justice and proportionality.'

suspension order is placed in addition to the substantive order. Throughout the suspension the registrant is subject to all the rules and proceedings of the GDC's fitness to practise and continuing professional development (CPD). At the end of the ordered period, the suspension may be extended by a maximum of a further 12 months, revoke the suspension order and impose conditional registration or lift the suspension and allow the registrant to practise unrestricted.

Erasure

According to the GDC 'The ability to erase exists because certain behaviours are so damaging to a registrant's fitness to practise and to public confidence in the dental profession

limited to CPD.

Restoration will only be granted, if and only if, it is consistent with the objectives of public protection, maintaining public confidence in the dental profession and promoting and maintaining proper professional standards. The Committee may direct that the restoration is conditional for a maximum period not exceeding three years.

Conclusion

It is the hope that this brief article sheds light on the range of sanctions that may be imposed at a fitness to practise hearing.

<https://doi.org/10.1038/s41407-019-0171-x>