Responding to a GDC complaint

Eric Easson,
dento-legal
adviser at
the Dental
Defence

Union (DDU), explores trends in the number of GDC complaints and how to respond to a GDC investigation.

Good news was in short supply last year, but the latest General Dental Council (GDC) fitness to practise (FTP) statistics do reveal some welcome trends for dental professionals.

The GDC's latest annual report,¹ including its FTP performance, shows a reduction in the number of initial assessments.

Alongside the long-term fall in incoming cases, there was also an encouraging 38% reduction in the number (176) being referred by the Case Examiners to a Practice Committee. The GDC reported that for every 100 cases it received in 2020, 62 were closed with no further action at an earlier stage in the FTP process.

Overall, the FTP statistics show the effect of measures that the GDC has already taken to make its FTP process more proportionate. These include the introduction of triage and case examiners to ensure that more cases can be appropriately resolved at an earlier stage and that Practice Committees are able to focus on those cases which put patients seriously at risk or seriously damage public confidence in dentistry. Long-awaited government reforms to healthcare regulation should enable the GDC to take this further.

This is important given the devastating impact that news of a GDC investigation can have on dental professionals. It's not uncommon for DDU members to tell us

they are shocked, distraught and fearful of the consequences for their career and livelihoods when they contact our advice line for assistance. In those moments, it can be reassuring for them to know they are not alone and that there are some things they can do to make a positive difference.

Here are some DDU tips for dental professionals in this position.

Contact your indemnity provider (IP) immediately

DDU members' first point of contact will be a qualified dentist who can readily understand and empathise with the realities and challenges of dental practice.

Send requested information promptly: the sooner your IP has the relevant details, the sooner they can provide appropriate advice.

Familiarise yourself with the process

Knowing how the GDC currently investigates FTP cases should help you avoid being frightened by 'horror stories' which might have happened years ago.

The initial complaint will have been screened by a triage team to ensure it is within the GDC's scope and raises an issue they need to look at. If you have received a letter from a GDC case worker, the GDC has decided it has a responsibility to investigate further. Frequently the investigation will involve the GDC seeking clinical advice to help it decide if the case should be closed or sent to the Case Examiner stage.

Case Examiners will look at the evidence and decide whether there is a 'real prospect' of the allegations being found proved at a hearing. They can refer cases to one of the Performance, Conduct or Health Committees, agree undertakings about future practice or issue a warning or advice. They can also close cases with no further action or adjourn them pending further enquiries.

Practice Committees' public hearings (with the exception of health concerns) examine evidence from witnesses and determine whether allegations are proved on the balance of probabilities. If proven, the Committee will determine whether your fitness to practise is currently impaired

and what sanction would be appropriate. Sanctions include issuing a reprimand, imposing conditions on your registration, suspension from the register and erasure.

Tell anyone who needs to know

The GDC will automatically notify employers or any individual or organisation with whom you hold a contract so it is better to take the initiative. If you are a performer, you will almost certainly have an obligation to inform the NHS. You might also need to tell organisations such as Denplan. If you are a DDU member we can suggest a suitable form of words.

In our experience it can sometimes help to confide in family, friends or colleagues, while respecting patient confidentiality. They can only support you if they know what you are facing.

Act professionally towards the complainant

Even if you are aware of the source of the complaint against you, it is important not to approach them about the case as this could cause further difficulties. The complainant might continue to attend your practice, so seek advice from your IP if you are unsure how to handle this situation.

Show insight

Reflect on the complaint, consider whether there is anything you might have done differently and make efforts to remediate. If you have fallen short of the established ethical principles and standards of practice, the GDC expects you to recognise this and take steps to ensure that a similar mistake does not happen in the future. Engaging with the process in this way makes it more likely that it can be resolved at an earlier stage.

Reference

1. General Dental Council. Annual Report and Accounts 2020. Available at: <https://www.gdc-uk.org/about-us/our-organisation/our-corporate-strategy-and-business-plans/our-annual-reports> (accessed September 2021).

<https://doi.org/10.1038/s41407-021-0738-1>