

# The curate's egg

Kevin Lewis, Director, Dental Protection

Send your comments to the  
Editor-in-Chief,  
British Dental Journal,  
64 Wimpole Street,  
London  
W1G 8YS  
Email [bdj@bda.org](mailto:bdj@bda.org)

EDITORIAL

It is a matter of record that the GDC has been sinking under an unprecedented weight of Fitness to Practise (especially Professional Conduct) cases. There are certainly more cases, taking up more hearing days than ever before. To address the massive backlog of cases, the GDC has been busily advertising for additional Fitness to Practise Panel resources and some of the appointments have been interesting, to say the least. But does this spiralling activity and call for reinforcements tell us more about the health of the profession, of society, of the GDC or of healthcare more generally?

Part of the answer lies in the fact that there are many more registered dentists these days. Very little of the additional volume relates to DCPs – certainly not in proportion to the numbers registered anyway. But we should not delude ourselves into believing that this is simply a numbers game – something much deeper has been happening and we need to understand and come to terms with it.

Few would dispute that the standards of dentistry, of infection control, of wider clinical governance, of participation in CPD, of the CPD itself, of equipment, instrumentation and materials, are all generally higher than in years gone by.

## OVER-EGGING THE PUDDING

The GDC itself is by no means blameless in the escalation of Fitness to Practise activity. In terms of what comes in, it is at the mercy of outside events, culture and attitudes. But it can and should control what happens thereafter and in fairness, the GDC has acknowledged that it has not always covered itself with glory in this aspect of its heavy workload. But today's GDC exists in a very different post-Shipman, post-Bristol world of regulatory nervousness. All the healthcare regulators sit under the watchful scrutiny of the Council for Healthcare Regulatory Excellence (CHRE) and none of them wants to be the one that gets it wrong most often. CHRE was set up not to scan the regulatory horizon for examples of healthcare professionals who were treated too harshly, but for instances where they appear to have been treated too leniently. So the safer route for the GDC will always be to over-egg the pudding.

Unfortunately this is also the most costly route because significant legal costs are incurred in connection with GDC Fitness to Practise hearings. Everyone recognises that the UK has become one of the hottest hotspots in the world for litigation against dentists, but few would have guessed that all the legal

costs incurred in defending all of these cases is still quite a bit less than the legal costs associated with GDC Fitness to Practise activity. Put simply, the priorities have changed and the cynical view would be that we have created a behemoth to solve a problem that was mostly only ever one of concept and perception rather than of reality.

The challenge that has resulted from the recent period of regulatory reforms is that all this money that is being consumed by legal costs has been contributed by dentists in their Annual Retention Fee (ARF). Ultimately this is paid by the patients themselves, either over the counter or through taxation. But while dentists collectively pay all this money that is deployed to buy the very sticks which are later used to beat them with, they no longer have any say in the composition of the GDC itself or the Fitness to Practise Panels. Anyone who mentions the term 'self regulation' had better whisper it, because nothing could be further from self regulation than the present situation.

And to add insult to injury, the ARF is set to increase significantly at the end of this year. The GDC has a job to do, and a statutory framework to work within. For as long as dentists continue to make complaints about each other – quite often for competitive or vexatious reasons – or encourage patients to complain to the GDC about other dentists, for as long as every other body (especially in the NHS, but also in the private sector) feels the need to 'raise concerns' and have them investigated by the GDC, then Fitness to Practise will be kept busy and the ARF will keep increasing. Unless, of course, the GDC can learn to sort the wheat from the chaff.

There have been some changes in the GDC's Fitness to Practise team and there is a feeling in the air that things do need to change in some respects. It is already, like the curate's egg, 'good in parts'. But the concept of 'impairment' around which the Fitness to Practise empire has been growing and thriving, is in some ways the heart of the problem. It can mean very different things to different people and when you are so energetically looking for signs of it, you will tend to find it. Humpty Dumpty was of course another egg of great insight who observed 'When I use a word, it means just what I choose it to mean - neither more nor less.' And we all know what happened to him.

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