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## General Dental Council (GDC) Case Examiner S60 Order

### Department of Health

RPC rating: **Fit for purpose**

#### Description of proposal

The Department proposes to help the General Dental Council (GDC) to improve its administrative procedures in response to the recent rise in complaints against dental practitioners about their fitness to practise. While the GDC has been granted its powers to regulate dental professionals by Parliament, as an industry funded regulatory body, any costs are borne by its registrants, many of which are private businesses.

The main elements of the proposal aim to increase efficiency and flexibility in the GDC's processes and address the recent increase (110%) of complaints against registrants. Other elements aim to ensure that this is done in a fair and balanced way that does not reduce the level of scrutiny or overall patient protection. The GDC is expected to implement these changes in full. The responsibility for the impacts, therefore, lies with the Department.

#### Impacts of proposal

The IA covers five specific elements:

- (i) Introducing case examiners to exercise the functions of the Investigating Committee by deciding how cases should proceed at the end of the investigation stage of fitness to practise procedures.
- (ii) Giving both case examiners and the Investigating Committee the power to agree undertakings with registrants.
- (iii) Introducing a power to review cases that were closed at the end of the investigation stage if the decision is materially flawed or new information has come to light which may have altered that decision.
- (iv) Introducing a more permissive power to refer registrants to the Interim Orders Committee at any time during the 'fitness to practise' process.
- (v) Introducing a power for the GDC to review decisions made by the Investigating Committee and case examiners to issue a warning to registrants.

The Department explains that elements (i) and (ii) provide a faster and more effective procedure to deal with 'fitness to practise' complaints. The GDC expects to

save approximately £2.4 million and £1.4 million respectively in the first year after implementation. The Department estimates that these savings and all other costs and benefits will increase in line with the expected 7% annual caseload growth over the appraisal period. This assumption appears reasonable based on the experience over the recent years.

The Department estimates that element (iii) will lead to costs of £0.7 million per year to the GDC for additional hearings where cases are opened for review. The IA further explains that it could also lead to a potential loss of earnings to registrants, who are suspended following the reopening of their case. Element (iv) is a technical amendment closing existing gaps in legislation that is not expected to have significant impacts.

Element (v) of the proposal has been added to this final stage IA and was not seen by the RPC at consultation stage. The Department explains that this will give registrants a way to appeal. This is estimated to result in a small increase in costs to the GDC, which the Department expects to be at least partially offset by a reduction in judicial review cases the GDC would otherwise have to defend. Overall, the Department has sufficiently assessed the minor costs and benefits associated with this element.

The IA explains that the GDC is funded by its registrants, 68% of which practise in the private sector. The Department ascribes this proportion of the costs and benefits explained above to business. This assessment is in line with the RPC's position on how to assess costs and benefits to industry-funded regulators.

The Department has provided sufficient evidence on all individual elements to enable the RPC to validate the equivalent annual net savings to business of £1.62 million.

## **Quality of submission**

The IA provides a good explanation of all five elements of the proposal and provides a helpful summary of the consultation responses as well as detailed breakdown of the calculations and assumptions behind the figures in the annex of the document. The Department has included some non-monetised benefits caused by swifter resolution of cases. The decision not to monetise such potentially minor effects is based on a judgement of proportionality. This appears reasonable.

### SaMBA

A SaMBA is not required for this overall deregulatory proposal. However, the Department has included detailed analysis of the effects on small and micro businesses. The assessment explains that small and micro businesses account for about 40% of private sector employment in the sector and that £0.95 million of the

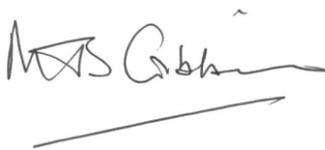
£1.62 million annual net savings to business (59%) is expected to accrue to small and micro businesses.

### Initial departmental assessment

Classification	OUT
Equivalent annual net cost to business (EANCB)	-£1.62 million
Business net present value	£17.7 million
Societal net present value	£25.1 million

### RPC assessment

Classification	OUT
EANCB – RPC validated	-£1.62 million
Small and micro business assessment	Not required (deregulatory)



**Michael Gibbons CBE**, Chairman