

## **General Dental Council (GDC): Memorandum of Understanding**

*Memorandum of Understanding between  
General Dental Council (GDC) and the Healthcare Inspectorate Wales (HIW)  
Dated:*

### **Purpose**

1. The purpose of this Memorandum of Understanding (MoU) is to set out a framework that the HIW and the GDC have agreed for co-operation and collaboration.
2. Collaboration between the HIW and the GDC will help the regulatory system for healthcare in the Wales which promotes patient safety and high quality healthcare.
3. The responsibilities and functions of the HIW and the GDC are set out in **Appendix A**.
4. This Memorandum relates to the areas of interface between the HIW, and the GDC. It is intended to clarify their respective roles and responsibilities and outline the mechanisms that have been put in place to promote effective liaison between the two organisations. This agreement does not affect existing statutory functions or amend any other policies or agreements relating to the activities of the HIW and the GDC and is not enforceable in law. However, the HIW and the GDC agree to adhere to the contents of this MoU.

### **Principles of cooperation**

5. The HIW and the GDC intend that their working relationship will be characterised by the following principles:
  - The need to make decisions which promote patient safety and high quality healthcare;
  - Respect for each organisation's independent status;
  - The need to maintain public and professional confidence in the two organisations;
  - Openness and transparency between the two organisations, as to when cooperation is and is not considered necessary or appropriate;
  - The need to use resources effectively and efficiently;
  - The HIW and the GDC are committed to working collaboratively and with others to ensure that patients are protected;
  - The HIW and the GDC have a responsibility to complete their processes for all dentists and dental care professionals referred to them and maintain the confidentiality of personal health information as far as possible;

- This Memorandum is intended to ensure that effective channels of communication are maintained between the GDC and the HIW where information needs to be exchanged;
  - The governing principles in the relationship between the two organisations are that either organisation will provide the other with information in accordance with the legal framework and the statements of intent contained within this memorandum; and
  - The legal framework governing information sharing includes, amongst others, obligations under the Freedom of Information Act 2000, Data Protection Act 1998, the Human Rights Act 1998, the common law duty of confidence, the NHS Code of Confidence and, in the case of the GDC, powers conferred under the Dentists Act 1984.
6. The HIW and the GDC are also committed to a regulatory system for healthcare in Wales which is transparent, accountable, proportionate, consistent, and targeted - the principles of better regulation.

### **Areas of cooperation**

7. The working relationship between the HIW and the GDC involves cooperation in the following areas. (Named MoU managers for each organisation are identified in **Appendix B**).

#### **General communication and liaison**

Regular communication between the GDC and the HIW will be between the GDC's **Director of Fitness to Practise** and the HIW's **Head of Inspections**. Both bodies are committed to effective communication at whatever level is most effective for the circumstances including information about trends, concerns, data, approaches and initiatives, which are relevant to improving the quality of patient care;

- The GDC and the HIW will invite contributions from each other on policy and operational guidance, reports and other mechanisms, as appropriate, in order to ensure factual accuracy, to benefit from each other's knowledge and expertise, and to promote consistency of advice.
- The GDC and the HIW will assist each other, as appropriate, in providing information for investigations and initiatives to promote the objectives of the two organisations.
- Information must be shared securely and via the HIW's secure portal which is provided by NHS Wales Informatics Service. Documents must be password protected at all times.
- Quarterly telephone conferences should take place to share information on changes to processes/procedures and updates on cases from both organisations.

#### **a. Referrals to GDC**

- When HIW become aware of concerns during the course of an inspection they should contact the GDC, and ask to speak to a Case work manager or the Head of Casework to discuss immediate action to be taken.
- GDC should be made aware of any adverse inspections and be provided with copies of HIW's reports (under embargo), and any other pertinent information such as follow up inspections as a result of the adverse inspection.
- HIW will share immediate action letters with GDC providing details of registrants or practices that have had an inspection which has resulted in the need for urgent remedial action to be taken on a monthly basis.

- There should be implicit consent that when HIW make information available to GDC, GDC is able to use this information to fulfil its regulatory duty.
- GDC may on occasion provide HIW with details of a complaint and enquire as to whether HIW have concerns which would warrant an unannounced visit.

#### **b. Referrals to HIW**

- Any concerns and relevant information about a health care organisation in which dentists and dental care professionals practise or are trained which may call its registration with the HIW into question.
- Any concerns and relevant information about a healthcare organisation which may call into question the robustness of its systems of appraisal and clinical governance.
- Where an individual dentist is registered with the HIW for the purposes of carrying out regulated activity, any concerns and relevant information about that individual which may call his or her registration with the HIW into question.
- GDC will notify HIW of the outcome of Practice Committee and Interim Order Committee hearings and provide details of registrants referred to our Investigating Committee.

#### **Role of the GDC**

8. The GDC is a statutory body independent of the NHS and of Government, with responsibility for maintaining the dentist and dental care professionals registers for the United Kingdom. The GDC aims to protect patients, promote confidence in dentists and dental care professionals and be at the forefront of healthcare regulation.

9. The GDC:

- maintain registers of qualified dental professionals;
- set standards of dental practice and conduct;
- assure the quality of dental education;
- ensure professionals keep up-to-date;
- help patients with complaints about a dentist or a dental care professional; and
- work to strengthen patient protection.

10. The GDC has statutory powers to take action where there are concerns about the fitness to practise (FTP) of a registered dentist or dental care professional. This includes those registrants whose fitness to practise is affected by their health. Further details of the GDC's role can be found in Appendix A.



## Role of HIW

11. HIW is the independent inspectorate and regulator of all healthcare in Wales.
12. HIW's core role is to review and inspect NHS and independent healthcare organisations in Wales to provide independent assurance for patients, the public and others that services are safe and of good quality. Health services are reviewed against a range of published standards, policies, guidance and regulations. As part of this work HIW will seek to identify and support improvements in services and the actions required to achieve this. If necessary, HIW will undertake special reviews and investigations where there appears to be systematic failures in delivering healthcare services, to ensure that rapid improvement and learning takes place. In addition, HIW is the Local Supervising Authority for the statutory supervision of midwives in Wales.
13. Any disagreement between the HIW and the GDC will normally be resolved at operational level. If this is not possible, it may be brought to the attention of the MoU managers identified in **Appendix B** who may then refer it upwards through those responsible, up to and including the Chief Executives of the two organisations who will then jointly be responsible for ensuring a mutually satisfactory resolution.

## Duration and review of this MoU

14. This MoU originally came into effect from **the date** when it was signed by the Chief Executives of the two organisations. This MoU is not time-limited and will continue to have effect unless the principles described need to be altered or cease to be relevant. The separate joint working protocol sets out the operational detail of how the GDC and the HIW will work together to maximise the effectiveness of their regulatory responses and will be reviewed at a frequency described in this document. This MoU may be reviewed at any time at the request of either party.
15. Both organisations have identified a MoU manager as stated in **Appendix B** and they will liaise as required to ensure this MoU is kept up to date and identify any emerging issues in the working relationship between the two organisations.
16. Both HIW and the GDC are committed to exploring ways to develop increasingly more effective and efficient partnership working to promote quality and safety within their respective regulatory remits.
17. A Joint Working Group will oversee the development of operational working arrangements that support the delivery of the principles outlined in this MoU.

## Signatures

 <b>Kate Chamberlain</b> <b>Chief Executive</b> <b>HIW</b>  Date 24 February 2015	 <b>Evelyne Gilvarry</b> <b>Chief Executive and Registrar</b> <b>General Dental Council (GDC)</b>  Date 19 December 2014
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## **Appendix A**

### **Responsibilities and functions**

18. The HIW and the General Dental Council (GDC) acknowledge the responsibilities and functions of each other and will take account of these when working together.

### **Responsibilities and functions of the GDC**

#### 19. Registration – Dentist and Dental Care Professional Registers

Every practising dentist and dental care professional (DCP) must be registered with the GDC. Everyone who joins the GDC register has to demonstrate that they possess specified qualifications or pass an assessment, and demonstrate that they meet health and character requirements in order to be fit to practise as a member of the dental team.

Applications to join the register can be made in a number of ways. The applicant must show that they have one of the following:

- a recognised UK qualification;
- a recognised European qualification;
- a recognised non-European qualification;
- an assessment of suitability to register by a GDC panel assessment of skills and knowledge (in the case of non-European qualified persons with exempt person status); or
- success in passing the GDC's Overseas Registration Exam (for non-European overseas qualified dentists who do not benefit from enforceable community rights).

#### 20. Standards

The GDC sets out the Standards of conduct, performance and ethics that govern the dental profession. They specify the principles, standards and guidance which apply to all members of the dental team as well as setting out what patients can expect from their dental professionals. Moreover, the GDC enforces these standards as serious or persistent failure to follow the guidance can lead to the dental professional being erased from the register.

#### 21. Quality Assurance

Quality Assurance team is responsible for ensuring that education within the UK for dentists and DCPs meets the GDC's Standards for Education. We do this by visiting schools and institutions to interview staff and students and review the evidence that will tell our inspection panel how the education is delivered.

The GDC is also responsible for reviewing submissions from programme providers for new dentist and DCP programmes that they wish to introduce. We work closely with our inspectors to assess these submissions and then assist the Registrar in deciding whether the programme is likely to meet the GDC's Standards. If a programme is likely to meet the GDC's Standards then the Registrar may give the providers permission to start delivering the programme to students. Approval, or otherwise, will then be granted following an inspection of the first graduating cohort.

## 22. Continuing Professional Development

Dental professionals have a duty to keep their skills and knowledge up to date. A primary qualification is only the first step in their education and development which should last throughout their professional life. We require all registrants to undertake continuing professional development (CPD) to maintain their registration. This is because we believe CPD makes a contribution to supporting registrants to maintain our Standards and to patient protection.

Anyone intending to restore to the GDC's registers in the future must continue to undertake CPD as they will be required to provide evidence of the completed CPD. CPD for dentists and DCPs is defined in law as activity which contributes to their professional development and is relevant to their practice or intended practice.

## 23. Illegal practice

The Dentists Act 1984 provides the GDC with the power to prosecute individuals and companies where we have sufficient evidence that a criminal offence has occurred. In order to bring a criminal prosecution we need to obtain evidence that an offence has taken place. To report concerns regarding illegal or unregistered practice please complete the form which can be found on the GDC website [www.gdc-uk.org](http://www.gdc-uk.org).

When we receive information that an offence may be occurring, we can instruct our investigators and solicitors to investigate and gather evidence. Once collected, this evidence goes through the two stage test, set out in the code for crown prosecutors, to assess whether a prosecution may be brought. Where these two tests are passed, our solicitors can take the case to the magistrates' court. A fine can be imposed if the prosecution is successful. Details of previous prosecutions brought by the GDC can be found in the News webpages of the GDC website – [www.gdc-uk.org](http://www.gdc-uk.org).

## 24. Fitness to Practise

Dentists and dental care professionals must meet certain requirements at initial registration and then on an on-going basis throughout their career in order to practise. If their fitness to practise is called into question, by means of a complaint, conviction or a caution, they may be subject to the GDC's fitness to practise (FTP) processes.

Matters which suggest possible impairment of fitness to practise are referred to an Investigating Committee (IC) panel. The IC panel consists of registrants and lay people, appointed by the GDC, through a process separated from the executive management of the GDC. An Investigating Committee may decide that no further action is required or that an advice or warning letter would be sufficient.

In potentially more serious cases, the IC panel may refer the matter to one of three Practice committees: the Professional Conduct Committee (PCC); the Professional Performance Committee (PPC); or the Health Committee (HC) for a formal hearing. Registrants referred to a Practice Committee will appear before an independent panel of lay and registrant members in a formal hearing.

The GDC and the registrant both have the right to legal representation. At all stages of our procedures, the Interim Orders Committee can suspend a registrant's registration or use conditions to restrict their practice.

Where the GDC finds that a registrant is not fit to practise, it has powers to:

- remove that registrant's name from the register;
- suspend the registrant from the register; or
- place conditions on the registrant's practice.

## 25. Dental Complaints Service (DCS)

The DCS is a team of trained advisors who aim to help private dental patients and dental professionals settle complaints about private dental care. We provide a free, impartial service and is funded by the General Dental Council.

They aim to settle complaints about private dental care fairly, efficiently and quickly. They work with patients and dental professionals to reach a solution that both sides are happy with, whether that's remedial treatment (treatment to put right previous dental work), a refund, or referral to another professional. They cannot award or recommend compensation.

### **Responsibilities and functions of HIW:**

26. HIW is the independent inspectorate and regulator of all healthcare in Wales.

27. HIW carries out its functions on behalf of Welsh Ministers and, although part of the Welsh Government, protocols have been established to safeguard its operational autonomy. HIW's main functions and responsibilities are drawn from the following legislation:

- Health and Social Care (Community Health and Standards) Act 2003;
- Care Standards Act 2000 and associated regulations
- Mental Health Act 1983 and the Mental Health Act 2007
- Statutory Supervision of Midwives as set out in Articles 42 and 43 of the Nursing and Midwifery Order 2001
- Ionising Radiation (Medical Exposure) Regulations 2000 and Amendment Regulations 2006.

28. HIW's primary focus is on:

- Making a significant contribution to improving the safety and quality of healthcare services in Wales
- Improving citizens' experience of healthcare in Wales whether as a patient, service user, carer, relative or employee
- Strengthening the voice of patients and the public in the way health services are reviewed
- Ensuring that timely, useful, accessible and relevant information about the safety and quality of healthcare in Wales is made available to all.

29. HIW's core role is to review and inspect NHS and independent healthcare organisations in Wales to provide independent assurance for patients, the public and others that services are safe and of good quality. Health services are reviewed against a range of published standards, policies, guidance and regulations. As part of this work HIW will seek to identify and support improvements in services and the actions required to achieve this. If necessary, HIW will undertake special reviews and investigations where there appears to be systematic failures in delivering healthcare services, to ensure that rapid improvement and learning takes place. In addition, HIW is the Local Supervising Authority for the statutory supervision of midwives in Wales.

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**Appendix B**

1. Contact details

<b>HIW</b>	<b>General Dental Council</b>
<p>Director of Inspection, Regulation &amp; Investigation Healthcare Inspectorate Wales Rhydycar Business Park Merthyr Tydfil CF48 1UZ</p> <p>Telephone: 0300 062 8163 www.hiw.org.uk/</p>	<p>Director of Fitness to Practise 37 Wimpole Street London W1G 8DQ <a href="mailto:fitnesstopractise@gdc-uk.org">fitnesstopractise@gdc-uk.org</a></p> <p>Telephone: 020 7887 3880 www.gdc-uk.org</p>

2. Named contacts between the **HIW** and the GDC are as follows:

<b>Chief Executives (internal escalating policies should be followed before referral to Chief Executives)</b>	
<p>Kate Chamberlain Chief Executive Email: Kathryn.Chamberlain@Wales.GSI.Gov.UK</p>	<p>Evlynne Gilvarry Chief Executive and Registrar Email: egilvarry@gdc-uk.org</p>
<b>MoU management</b>	
<p>Corporate Intelligence Manager</p>	<p>Head of Corporate Policy</p>

The Joint Working Protocol for the **HIW** and the GDC sets out the operational detail for each area of cooperation between the two organisations and the agreed lines of escalation where necessary.