

Wednesday 27 January 2016

Dear Ms Holden

I write further to your request made via "What do they know" on 10 December 2015.

Your request is being handled under the Freedom of Information Act 2000 (the FOI Act). The statutory deadline for our response was 12 January 2016 but you were content to permit us further time in order to provide you with the fullest response.

Thank you for the useful information you have provided and I have read it with interest.

I shall use your numbering to respond to your questions below.

1. Please confirm that the GDC has an internal reporting system (such as the GMC's Significant Event Reporting) which would record any death of a registrant whilst under a fitness to practise investigation.

We do not routinely instigate a Serious Event Review (SER) with every reported death during the Fitness to Practise (FTP) process. There are a number of deaths that occur due to pre-existing illnesses or natural causes unconnected with any FTP proceedings. We are of course extremely sympathetic and mindful of the impact that FTP proceedings can have, not just on our registrants but also informants and witnesses. Each death or untoward incident will be reviewed on a case by case basis and an action plan completed by a suitable manager if required. For example, in one recent untoward incident, a senior manager attended a case review meeting with other stakeholders involved in the investigation and shared learning. If it is felt that there was something the GDC should have done differently, then that would be escalated to the executive management team who would request that a SER be instigated and any learning or changes to our processes will be built into our FTP Improvement Programme.

2. Please could you provide information on gender and age of dentists who died whilst under investigation by the GDC for a fitness to practise (FtP) matter? Please provide this information in tabular form as raw data i.e. for each dentist their name, age, gender, year in which they died, and at what stage of the FtP process they were at when they died.

Please find attached a PDF table enclosing the raw data you requested.

We are able to provide the date the dentists were removed from the register due to being deceased, their gender and the stage the case against them was at.

We have not provided the names of those who have died prior to a public determination of their case. This is in accordance with section 31(1)(g) and section 31(2)(d) of the FOI Act which exempts information from disclosure on the grounds that it would be likely to prejudice law enforcement or regulatory activity i.e. the GDC's regulatory function of ascertaining a person's fitness or competence in relation to their profession (dentistry). To explain, the GDC's practice is to only disclose the fact a complaint has been made against a dental professional if the complaint progresses to a FTP Committee hearing (the GDC publishes upcoming hearings 14 days before such a hearing is due to commence), or results in a warning on a dental professional's registration. This is because we believe that it is

reasonable for dental professionals to expect that details of complaints made against them would remain confidential, and would not be publicly disclosed unless a complaint proceeds to a FTP Committee hearing and/or action is taken on their registration. We believe that this reasonably extends to dental professionals who have died whilst a FTP case is ongoing and before any decision is taken on their case. **All other names have been provided.**

The section 31 exemption is a qualified exemption, so subject to a public interest test. The GDC considers that the balance of the public interest lies in withholding this information because to disclose it would be likely to prejudice our regulatory function. We consider that the knowledge that information about complaints that have not proceeded to a FTP Committee hearing and/or in relation to which no action is taken on a dental professional's registration is liable for disclosure following the death of a dental professional, would be likely to result in dental professionals being less candid and unwilling to share confidential information with us during the course of an investigation. This would be likely to result in less effective investigations and would clearly not be in the interests of the public at large.

We have also not provided the age of the registrant at the time of death. This is in accordance with section 21 of the FOI Act which exempts information from disclosure on the grounds that the information is already accessible to a FOI requester by other means. You are able to obtain this information from the Register of Births, Deaths and Marriages. Section 21 is an absolute exemption, so not subject to a public interest test.

This data includes details of **all deaths of dentists that have occurred for any reason during FTP proceedings** and is not limited to those that have taken their own life, as per your request.

3. Please, state when you started collecting this data.

We have searched our electronic client management system which forms the basis of the online register and therefore, should capture any death of a dentist that has been recorded since records began where the individual was subject to FTP proceedings at the time of removal. A register of dentists has been held since 1921.

4. Please provide information as to whether the GDC has received any reports from a coroner regarding a death at any time. If so, please state the nature of these reports and specifically if they related to suicide.

Following advanced searches of our case management system with the assistance of our database specialist, we did not find any Coroner's reports but we cannot conclusively say that we do not hold any, particularly with reference to older cases where information may be held offsite in a secure archiving system.

5. Please, state if there has ever been any investigation into the deaths of those dentists by GDC.

The GDC has never instigated a SER in relation to any of the deaths that have occurred during FTP proceedings. This is because almost all of the entries provided under question 2 relate to registrants that have died due to pre-existing health conditions, natural causes or as a result of an addiction. We have cooperated with

investigations carried out by the NHS where we have been invited to attend. Should such a case arise that suggests that the GDC needs to review its actions, then as discussed above, a SER would be instigated by the executive management team, overseen by the Director of FTP.

6. Please, state if you are aware that there is any ongoing investigation (not necessarily by the GDC) into the deaths of any of those dentists who died following referral to GDC.

We are unaware of any ongoing investigations being carried out by any body into the death of any of the dentists identified in question 2.

You may be interested to know that the GDC is currently nearing the end of a 9 month project that focusses on trying to mitigate some of the distress that FTP proceedings can generate. All of our staff have been trained by the Samaritans and new processes have been instigated to ensure that where there are concerns about a registrant, informant or witness' well-being, that that information is recorded clearly and shared with the staff involved in the conduct of the case to ensure that suitable support is being given and the registrant, witness or informant is suitably signposted to other agencies/organisations who can assist.

We are also creating a support resource page on our website that will enable us to signpost those people to organisations that can help in a variety of ways. An example of one of the small changes we have made to try to reduce distress was by preventing potentially upsetting updates or information on FTP cases from being communicated over the Christmas period by closing our post room from 18th December until 29th December.

We are also working with a number of key external stakeholders to ensure the appropriate support is provided during an FTP case, especially where a registrant is unrepresented or has no defence body support.

We are constantly mindful of the impact our work can have and we are committed to having the welfare of all our service users, not just our registrants, at the forefront of the work we undertake wherever possible.

I hope this has sufficiently answered your Freedom of Information request.

Internal review and complaints procedure

In accordance with the FOI Act you are able to ask that an internal review be carried out if you would like to complain about this response or the way your request has been handled. Complaints should be addressed to:

Lisa-Marie Roca
Principal Legal Adviser
General Dental Council
37 Wimpole Street
London
W1G 8DQ

If at the end of the review process you are not satisfied with the response that you receive, you may write to the Information Commissioner, who is appointed to consider such complaints. His contact details are:

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Tel: 01625 545 745
Fax: 01625 524 510
Email: casework@ico.org.uk

Best wishes



Eleanor Poole
Case Review Manager