

**Unconfirmed**

**Minutes of the Council of the General Dental Council**

Minutes of a meeting of the Council of the GDC held at 10.30am on Tuesday 18 May 2010 at the Council Chamber, 37 Wimpole Street, London, W1G 8DQ

**Members Present**

Alison Lockyer (Chair)  
Grace Alderson  
Peter Catchpole  
Rosemary Carter  
Elizabeth Davenport  
Mary Dodd  
Helen Falcon  
Robin Field-Smith  
Hazel Fraser  
Janet Goodwin  
Wakkas Khan  
Anthony Kilcoyne  
Alan MacDonald  
Kevin O'Brien  
Grahame Owen  
Derek Prentice  
Mabel Slater  
David Smith  
Neil Stevenson  
Linda Stone  
Anne Marie Telford  
Denis Toppin  
Carol Varlaam

**Associate Members:**

Barry Cockcroft (CDO)  
Paul Langmaid (CDO)

**In addition to the Interim Chief Executive and Registrar, Ian Todd the following staff were in attendance:** Mike Browne (Director of External Relations), Paul Feeney (Head of Quality Assurance), Ian Jackson (Director for Scotland), Patrick Kavanagh (Registration Development Manager), Moragh Loose (Policy Manager, Quality Assurance), Loretto Leavy (Secretary to Council – Head of Secretariat), Amanda Little (Policy Manager), Siobhan McLoughlin (Governance Manager), Gordon Miles (Director, Planning and Resources), Cindy Morgan (Head of Corporate Legal), Tom Peplow (Standards Policy Officer), Gurvinder Soomal (Head of Registration) and Jenny Watts (Standards Manager).

The Chair of Council welcomed the new Interim Chief Executive, Ian Todd to the meeting. Ian Todd had taken up the interim position following the departure of the outgoing Interim Chief Executive, Alison White. The Interim Chief Executive would be in place until the Chief Executive Designate, Evlynne Gilvarry, takes up the position later in

the year. Ian and Evlynne would work closely together throughout the interim to ensure that the transition period is smooth.

#### Public question and answer session

Members of the public were invited to ask questions prior to the start of the meeting. There was one question from the public from Denise Metcalf regarding the process for investigating complaints particularly where the potential complainants are non-registrants. The Interim Chief Executive discussed the process for complaint handling and that all allegations are assessed as to whether they need to be investigated. Guidance regarding making complaints had recently been made available to all employers.

#### Item 1 Apologies for absence

- 1.1 Apologies for absence were received from Donncha O'Carolan (Acting CDO for Northern Ireland) and Margie Taylor (CDO for Scotland). David Murphy was unable to travel to the meeting, and therefore, he also gave his apologies.

#### Item 2 Minutes of last meeting

- 2.1 The minutes of the previous meeting held on 23 March 2010, were **approved** and signed.
- 2.2 Item 5.4 Audit Committee Report  
The first line would now read 'The Audit Committee is currently seeking an independent co-opted qualified accountant for the Audit Committee.'
- 2.3 Item 17.5 & 17.10 Budget Proposals 2010  
Paragraph 17.5 would now read:  
There was detailed debate on the proposals and the appropriateness of these **and whether the proper processes had been followed**. A number of Council members were concerned that **worked-up business cases had not been put to the Finance and HR Committee and that** the proposals **put to the Council** did not provide sufficient analysis; - **such as options, an objective impact assessment, outcome measures and timelines - business cases which are provided to the Finance & HR Committee without these details should re-submitted with the full analysis included**. The need for an updated strategy to help prioritise funding requests was also noted.  
An additional sentence would be added to paragraph 17.10  
**Consideration would be given to the issues set out in 17.5 in future budget discussions**. This would be an action of the Finance and HR Committee.

#### Item 3 Matters arising

- 3.1 The Council received a paper from the Executive setting out the matters arising from the previous meeting.

- 3.2 Action 2 – the Chair of Audit Committee and the Chair of the Finance and HR Committee would update Council via email following further discussions on the overlap of remit of the two committees. **Action: AMD & DP – July 2010**

**Item 4 Policy Prioritisation**

- 4.1 The Council received a paper from the Director of Resources and Planning and Head of Standards for action.
- 4.2 This paper was drawn together at the request of the former Interim Chief Executive, Alison White, to draw attention to significant items of upcoming policy. The policy list represents policy ideas of varying levels of advancement; only some had allocated budget. The Director of Resources and Planning set out that this list could be linked to the Strategy currently under development and that it could fit with the budget proposal work for the September Council. The Director of Resources and Planning also highlighted work which had been done on the process for policy development.
- 4.3 The Council requested that the list would be aligned with the strategy currently under development. The Council noted that it would expect a policy list such as this to be prioritised by the Executive and that policy staffing was a matter for the Chief Executive. The Interim Chief Executive gave assurance that proper business planning and budgeting exercises would occur for 2011; the Interim Chief Executive highlighted that he would be working closely with the Chief Executive Designate to ensure that a joined up approach was taken.
- 4.4 Council members should contact the Head of Standards if there are any additions to the list. The Head of Standards, Head of FtP and the Chair of Fitness to Practise Policy Committee would discuss the appropriate timing of a strategic review of fitness to practise; this would need to feed into the possible fitness to practise section 60 order. **Action: JC, PB and CV – July 2010**
- 4.5 The Council **noted** the paper and requested that it return to the July meeting following the prioritisation of policies by the Executive and highlighting which policies are approved and which are still aspirations, the cost and their order of priority and if possible the risk attached to each policy area.

**Action: IT and JC – July 2010**

**Item 5 Additional Qualifications**

- 5.1 The Council received a paper from Patrick Kavanagh, Registration Development Manager for action. Anthony Kilcoyne declared an interest as he has an additional qualification on the register and is a specialist and post-graduate trainer.
- 5.2 This paper had been discussed by the Chair of Council, the outgoing Interim Chief Executive and the Chairs of Education, Registration and Standards Committee prior to its submission to Council.
- 5.3 The Registration Development Manager highlighted that twenty eight percent of the register contains dentists who have additional qualifications (AQs). A policy was in place until November 2005 which allowed additional qualifications, from a recommended list, to be added to the register. From November 2005, the GDC ceased to consider applications for the recognition of AQs which were not already on the register and no further additional qualifications were added to the recommended list. As this was prior to the registration of Dental Care

Practitioners (DCPs), additional qualifications relating to DCPs do not appear on the register. In October 2007, the Education Committee extended the moratorium on adding additional qualifications. This was confirmed by Council in December 2007 and by the work undertaken by the Education Committee regarding the strategic review of education in 2008.

- 5.4 The Council discussed the current situation and agreed that the moratorium in force since 2005 was unacceptable, particularly as there was no rationale or consistency of the qualifications on the recommended list. The Council discussed: the inequity present in the system as additional qualifications are not recognised for DCPs; the importance of public choice and the provision of information to provide this; an inability for the GDC to quality assure additional qualifications on the register; and the desire to encourage registrants to go beyond their initial training.
- 5.5 The Council noted that clear evidence was needed to show how the removal of additional qualifications aids public protection and the communication of this would be key to the success of a future policy. This would also need to link with the guidance on ethical advertising (item 6).
- 5.6 The Head of Standards set out that there had been a policy decision which set out that the GDC would not prosecute registrants regarding misleading additional qualifications under section 26 of the Dentist Act. This would be formalised in a future section 60 order.

**Action: JC/CM – 2010/2011**

- 5.7 The Council voted against deferring the paper to July Council meeting. This vote was taken following a concern by a Council member that the pros and cons of the all the options and risks should be developed in more detail.
- 5.8 The Council **approved** that:
- a. The practice of recognising and recording additional qualifications in the Dentists Register is discontinued in fact as well as in principle.
  - b. Existing AQs are removed from the dentist register at a time to be confirmed when the following have been commissioned and are ready :
    - (i) A communications strategy confirming the public safety criteria upon which these decisions have been made;
    - (ii) Ethical Guidance pertaining to Advertising (Item 6)
    - (iii) Any necessary review of Scope of Practice guidance from the Standards Committee.
- 5.9 This decision would render section 19(1)(c) of the Dentist Act redundant. Although this matter alone can be managed by Rules, the Council **confirmed** its agreement to amendment of the Dentist Act by section 60 (s60) to regularise the situation should amendment to section 26(2) also prove necessary.
- 5.10 Council **noted** that the information gathered related to AQs, and regarding public perception of what should be visible on the register and what fitness to practise issues should be on the register, should be considered by the Registration Committee and reported back to Council in 2010.

**Action: PK – end 2010**

#### Item 6 Ethical Advertising consultation

- 6.1. The Council received a paper from David Smith, the Chair of Standards Committee for action.
- 6.2. 'Standards for Dental Professionals' currently requires that dental professionals do not make claims which could mislead patients; this covers but is not limited to promotion of services, the use of titles, descriptions and qualifications (standards 1.3, 1.10 and 6.1).
- 6.3. The consultation was aimed towards providing clearer guidance on the promotion of services and use of titles, descriptions and qualifications by dental professionals as research had shown that certain titles and terms carry with them expectations to patients which may not be justified. The research had also shown that the term 'doctor' was also misleading to the public.
- 6.4. The Council **approved** the guidance for consultation subject to a number of amendments: the addition of a line relating to the use of the title 'Doctor' and request views on this; a review to ensure that the consultation is aligned with the decision on Council regarding additional qualifications; clarification on the use of a title (page 6) and request views on this in the consultation; refocus of the wording regarding misleading claims to the need to be professional, to provide appropriate information for patient choice and to avoid fitness to practise procedures; point ii (page 7) clarification that the registered address is placed on the website; point iv (page 7) on websites would be made stronger (i.e. information on the website must be no more than a month out of date); and reference to the EU directive should move to the start of consultation document. The Standards Committee would review these changes ahead of publishing the consultation.

**Action: JC/Standards – July 2010**

- 6.5. Following the consultation, the guidance would return to Council for approval. This would be accompanied with examples of misleading claims which would be used in the communication of the new guidance. **Action: JC – December 2010**
- 6.6. The Council would consider the timing of a separate consultation on the possibility of extending specialist lists to DCPs. **Action: PF - 2010**

#### Item 7 Temporary Registration

- 7.1 The Council received a paper from Patrick Kavanagh, Registration Development Manager for action.
- 7.2 Temporary Registration had never undergone a formal review by the Council. The Registration Committee requested that a formal review be carried out in August 2008. A survey was carried out in April 2009 which confirmed further work concerning Temporary Registration was necessary and the need for updated guidance. The guidelines for consultation set out a clarification of the position of temporary registration for dentists; the Dentist Act does not provide for temporary registration of DCPs.
- 7.3 The Registration Committee had discussed that temporary registration would be phased out for dentists in the future; this consultation is ahead of the further

consideration of the value of temporary registration. A formal consideration of the function of temporary registration and how this protects patients would be discussed at a future date by the Registration Committee and brought back to Council for consideration.  
**Action: PK - 2010**

- 7.4 The Council **approved** the Temporary Registration guidelines so that they could be tested at public consultation. Amendments to sections 3.4, 5.12 and 7 would be made and the grammar would be tightened before publishing the consultation. The timing of the consultation would be subject to the appointment of the Research Manager who would finalise the questions for consultation.
- 7.5 Legal advice would be sought on whether there is a data protection issue connected to the notification of HR departments of issues, as set out in section 7.3.5.  
**Action: PK – July 2010**

#### Item 8 Annual Retention Fee Policy

- 8.1 The Council received a paper from the Director of Resources and Planning for action.
- 8.2 The policy presented was an attempt to highlight the guiding principles which had been used by the GDC in setting the annual retention fee previously. The Council agreed that they would like to see a shorter policy document which encompassed the key principles involved in the annual retention fee and included amendments to the sections referencing means testing and cross-subsidy, expanded references to the two registrant groups to the seven registrant groups and made reference to the annual retention fee relating to the provision of regulatory functions.
- 8.3 Concern was expressed at the small number of respondents to the previous consultation on this policy and the need to consider the pay basis of different registrant groups.
- 8.4 The Council **requested** that a further draft of the policy be presented to the July Council meeting.  
**Action: F&HRC/IT – July 2010**

#### Item 9 Standing Orders Amendment: Provision for filling a vacancy on a committee

- 9.1 The Council received a paper from the Head of Secretariat for action.
- 9.2 The paper set out an amendment to the provision for filling a committee vacancy. This was an interim measure due to the vacancy on the Finance and HR Committee; the proposed provision empowers the Chair of Council to appoint a Member to fill a vacancy.
- 9.3 The Standing Orders are currently being redrafted and have been segregated into Council standing orders and committee standing orders. The Standing Orders for Council would be circulated to Council members ahead of the meeting in July to gain feedback prior to legal review.  
**Action: LL/All – June 2010**
- 9.4 The Committee Structure Working Group would review the standing orders relating to committees separately.  
**Action: CSWG – September 2010**



- 9.5 The Council **approved** the amendment to section 18 of the standing orders for the conduct of business 2009.
- 9.6 The Chair of Council **appointed** David Murphy to act as a member of the Finance and HR Committee.

#### Item 10 Dental Complaints Service Advisory Board

- 10.1 The Council received a paper from the Chair for action.
- 10.2 The Interim Chief Executive would write to the representatives from Which?, the Trading Standards Institute, the BDA and the Faculty of General Dental Practice to ensure that they are content to continue serving on the Advisory Board.  
**Action: IT – July 2010**
- 10.3 The Council **approved** the new membership of the DCS Advisory Board. The membership now includes a Council member to act as a Chair (Derek Prentice), two registrant Council members (Mabel Slater and Anthony Kilcoyne), two lay Council members (Anne Marie Telford and Grahame Owen), two patient representatives (Mike Drewry, Trading Standards Institute and Gary Waller, Which?) and two professional representatives (John Mooney, British Dental Association and Shelagh Farrell, Faculty of General Dental Practice). The Council **noted** that no remit had been previously approved and that a remit would be developed at the first meeting of the Advisory Board. The Committee Structure Working Group would include the Advisory Board in its remit.

#### Item 11 Audit Committee Report

- 11.1 The Council received a paper from the Chair of the Audit Committee for report.
- 11.2 The March Audit Committee was reported on verbally at the last meeting of Council.
- 11.3 The Chair of Audit Committee gave a report on the April Audit committee meeting and highlighted a number of areas of discussion: the review of the DCS internal audit report- the Audit Committee was content with this report following the amendment of a number of actions and the input of the Chair of the DCS Advisory Board; that further communication would take place with the Privy Council and the Department of Health regarding the discussion of our accounting directions; and the risk relating to the volume of work being carried out by the Finance Team at the moment. The Director of Resources and Planning set out that the Finance team had completed the first set of management accounts following the approval of the revised budget by Council in March 2010.
- 11.4 The Council **noted** the reports of the Audit Committee.

#### Item 12 Freedom of Information and Data Protection Act Annual Report

- 12.1 The Council received a paper from the Acting Director of External Relations for report
- 12.2 The paper set out the activity relating to Freedom of Information and the Data Protection Act during 2009. The Chair of Audit Committee requested that Council was updated more frequently on this topic.

**Action: MB – September 2010**

- 12.3 The Council **noted** the report.

**Item 13 An oral update on the Strategy Day**

- 13.1 The Council received a verbal update from the Chair.
- 13.2 The Council held an awayday to discuss setting the strategy for 2010-2014. The Council members would be circulated a copy of the outcomes of the meeting and a draft strategy ahead of the July meeting. **Action: MB/AII – July 2010**
- 13.3 The Council **noted** a strategy paper would be presented at the July Council for approval.

**Item 14 Protecting Patients through the Specialities**

- 14.1 The Council received a paper from the Chair of the Education Committee for information.
- 14.2 The Council discussed the paper, particularly issues relating to mediated entry to the specialist list, the appeal of this to the Chair and the need for a review of the speciality lists. As noted in an earlier item, consideration would be given to the need for specialist lists for DCPs (**Action 6.6**).
- 14.3 Consideration would also be given to the production of specific guidance relating to the specialist registration process; this would be done in conjunction with the Specialist Dental Education Board and the Education Committee.

**Action: IT – Dec 2010**

- 14.4 The Council **noted** the report and it would take the paper into account in future discussions relating to the specialities and when disseminating information to external stakeholders.

**Item 15 Future agenda items**

- 15.1 There was no future agenda items notified at the meeting.

**Item 16 Any other business**

- 16.1 Banking Arrangements: The Council approved that the bank signing arrangements for the accounts with Barclays Bank PLC are to be as follows:
- (1) Amounts over £20,000 shall be authorised by -
    - (a) One signatory from the A signatory list below; and
    - (b) Two signatories from the B signatory list below.
  - (2) Amounts of £20,000 and under shall be authorised by any two signatories named in either the A or B signatory lists below.
- (A) Signatories are: Evlynne Gilvarry, Chief Executive and Registrar (once appointed) and Ian Todd, Interim Chief Executive and Registrar.
- (B) Signatories are: Gordon Miles Director of Resources and Planning, Tara Philips Director of External Relations, Michael Browne, Acting Director of External Relations, Michael Ridler, Head of Hearings, Philip Blakebrough, Head of Fitness to Practise and Mark Duly Assistant Director of Resources and Planning.



- 16.2 Kevin O'Brien has agreed to represent the GDC on the Dental Programme Board.
- 16.3 Robin Field-Smith will undertake a review of the first year of the restructured Council; a task and finish document is currently being drafted for Council's consideration.

**Action: LL – July 2010**

**Item 17 Date of next meetings, Wimpole Street**

- Friday 23 July 2010,
- Thursday 30 September 2010,
- Wednesday 1 December 2010

The Council broke into private session to consider the minutes and actions of the confidential papers from the previous meeting:

**Item 18 Approval of the confidential minutes of previous meeting**

- 19.1 The confidential minutes of the previous meeting held on 10 February 2010, were **approved** and signed.

**Item 19 Confidential actions arising**

- 19.2 The Council **noted** the action arising from the Interim Chief Executive.

Loretto Leavy, Secretary to Council  
Head of Secretariat

25 May 2010

Unconfirmed: minutes will be confirmed at 23 July