

# Revisions to the guidance on professional indemnity and insurance cover

## Your views on our proposals

This consultation is seeking views on the General Dental Council's (GDC) proposal to update its guidance on indemnity and insurance.

The GDC has undertaken a review of our regulatory guidance on professional indemnity and insurance. This has been done to ensure that the guidance is up to date and helps dental professionals make decisions about their indemnity or insurance cover in the best interests of their patients.

Therefore, we are proposing updates to the guidance to provide clarity on what is expected of dental professionals, in terms of ensuring that appropriate cover is in place.

We are proposing updates that seek to promote patient safety and maintain public confidence, by supporting professional standards and conduct for all members of the dental team. Our goal in reviewing this guidance is to ensure dental professionals understand the purpose of professional indemnity and insurance and what they must consider when arranging cover, most importantly the obligations they have to patients.

We invite everyone with an interest in professional indemnity or insurance to share their views.

## About this consultation

This consultation has seven questions, which start on page six.

We would encourage all respondents to read the information in the consultation before answering the questions.

A copy of the proposed guidance we are consulting on can be found [here](#).

## Foreword

The GDC has been reviewing the guidance that we provide dental professionals, and we are proposing a move towards an approach that better supports professional decision making. We have been exploring the concept of professionalism, and how we can provide the dental team with the right level of guidance and the space needed to make informed judgements.

We have made commitments to these aims in our [Corporate Strategy for 2023 - 2025](#) and the proposed guidance on professional indemnity and insurance cover is part of a series of consultations we will be running across 2023 and 2024 to help us to meet them.

## About the General Dental Council (GDC) and our role in setting guidance

The core objective of our regulatory activities is public protection. This is a role given to us by Parliament and set out in the [Dentists Act](#).

To protect the public, our work is focused on the following four areas. We:

- Set and support standards in dental education and practice.
- Maintain a register of dental professionals who meet our standards.
- Ensure that nobody is admitted to the register if they do not meet the relevant requirements.
- Take action if any dental professional falls short of our standards.

Our role and functions are set out in legislation. The objectives set for us by Parliament are at the core of everything we do and in some areas of our work the legislation also prescribes, in some detail, how we should deliver those objectives.

The GDC is required to set guidance about the standards of conduct, performance, and practice required of dental professionals. We are also required to consult specific groups of people and organisations before issuing or updating guidance. This includes representatives of dental patients, dental professionals, and providers of dental services. This consultation meets these requirements.

There is no requirement for the guidance to be in a particular format. This means we can provide this guidance in a way that we consider will work best for the profession, improve patient outcomes, and maintain public confidence in dentistry. We recognise that individuals will have different preferences for the degree of detail, prescription, and direction the GDC provides through guidance.

## Responding to the consultation

The consultation will run for 12 weeks from 28 March to 20 June 2023.

If you are using our online platform to submit your views, it is possible to save progress and return to it later to complete. You can also save and print your response once you have submitted it via the online platform. Alternatively, you can send your responses to the questions in this consultation paper via email to [stakeholder@gdc-uk.org](mailto:stakeholder@gdc-uk.org) or post it to the GDC's head office at 37 Wimpole Street, London, W1G 8DQ.

If you have any questions about the consultation or would like the consultation in another format, please contact [stakeholder@gdc-uk.org](mailto:stakeholder@gdc-uk.org). A PDF version of the consultation can be [found here](#).

## About your response

Details of your response may be included in our consultation outcome report, including attribution to organisations. Your response may also be subject to publication as a result of a Freedom of Information (FOI) request.

We ask for contact details from those responding to the consultation only for the purposes of asking questions about your response. The need to do this is rare. The names and personal contact details of those responding will not be included in our outcome report and will not be published as part of a FOI release.

At the end of this survey, we will ask you to tell us a bit about you by completing an anonymous survey. This information will not be connected to your responses to this consultation. We will use the data you provide us for overall analysis and insight into the fairness and inclusivity of our processes. Providing this data is extremely helpful, and we would like to encourage you to complete this step. We cannot assess whether we are being fair and inclusive without these responses.

You can find out more about how we collect, store, and process information in our [privacy notice](#).

## Analysis

We will use descriptive statistics to analyse the scale questions, including sub-group analysis if appropriate. Responses to the open questions will be analysed thematically to identify key areas of interest. When analysing and reporting on the data we will take into account whether responses are from an individual or an organisation.

## Consulting on guidance on professional indemnity and insurance cover

This consultation is seeking views on the General Dental Council's (GDC) proposal to update its guidance on indemnity and insurance.

Holding appropriate indemnity or insurance is a legal requirement and an important way that a professional fulfils their responsibilities to their patients. Dental professionals must have cover in place that ensures that any patient who suffers harm in the course of treatment is able to claim compensation in the event of a successful claim.

The GDC has undertaken a review our regulatory guidance on professional indemnity and insurance. This has been done to ensure that that guidance is up to date and helps dental professionals make decisions about their indemnity or insurance cover in the best interests of their patients.

Therefore, we are proposing updates to the guidance to provide clarity on what is expected of dental professionals in terms of ensuring that cover is in place.

In 2018, the Department of Health and Social Care (DHSC) published a [consultation on appropriate clinical negligence cover](#) for regulated healthcare professionals. However, the Government has not yet indicated whether it intends to introduce any changes.

We consider holding appropriate cover to protect patients to be integral to a dental professional's registration. Therefore, updating this guidance is a priority area for us, alongside other guidance documents that have a direct impact on how we support professionals and protect patients.

The [changes we propose](#) in this consultation are part of a wider ambition to promote professional behaviours, skills, and attributes across dentistry. We continue to take steps to maintain and improve patient safety by moving dental regulation towards preventing harm, rather than responding to the consequences of it. A key part of this move is to foster a system that supports and encourages professionalism and decision making that is centred on the best interests of patients.

The primary purpose of the GDC issuing and updating this guidance is to fulfil our statutory objectives to protect, promote and maintain the health, safety, and well-being of the public, and confidence in the dental profession. Therefore, while we may mention other areas, for example, legal defence cover, the guidance is focused on providing registrants with information that supports them to make decisions about their indemnity or insurance cover to help ensure patients are protected.

## Consulting on guidance on professional indemnity and insurance cover

We recognise that sometimes things don't go as planned and patients may need to seek compensation from dental professionals. This is why GDC registrants must have appropriate arrangements in place.

The GDC produces guidance on professional indemnity and insurance to ensure that dental professionals understand the importance and purpose of having appropriate cover in place.

In November 2015, the GDC's registration rules were changed so that dental professionals applying for registration or restoration, and those renewing their registration each year, need to tell us that they have indemnity and insurance cover in place – or that they will have by the time they start practising.

The [GDC's guidance on professional indemnity](#) was published in 2016 to support the requirement set out under Standard 1.8 of Standards for the Dental Team, that dental professionals must have appropriate arrangements in place for patients to seek compensation if they suffer harm. The 2016 guidance provides further information for dental professionals on:

- Their annual indemnity declaration to the GDC
- The types of cover available
- The limited circumstances in which cover may not be needed
- The position in relation to dental technicians and indemnity.

We have proposed changes to the guidance to keep it up to date, ensure it remains useful to dental professionals, and helps support public confidence in the dental professions.

## Key updates to the guidance on professional indemnity and insurance cover

The updated guidance focusses on the importance of having arrangements in place that cover a dental professional in all circumstances that arise through their practice, the importance of regularly reviewing these arrangements, and of complying with the terms and conditions of their cover.

The new guidance provides information on these different arrangements. This includes personal cover, and the differences between the types of cover available, as well as information on employer based schemes and NHS or 'Crown' indemnity. It describes the very limited circumstances in which additional indemnity may not be required.

We have clarified the obligations of registrants who are covered by employer-based schemes. While employers may provide some cover, the responsibility remains with the dental professional to ensure they are covered for all the tasks that they undertake in their practice, including the location they carry out this work, and the hours they work. This means being familiar with the detail of these policies and arranging cover for any aspect of their practice not covered by their employers policy.

The updated guidance also includes information on NHS or 'Crown' indemnity. The guidance sets out the limitations of this type of cover, and the circumstances not covered by this type of indemnity.

This guidance emphasises that although there a range of models of indemnity and insurance, the responsibility remains with the dental professional to assure themselves they are adequately covered and complying with the terms of a policy, so that their patients can be compensated in the event of a successful claim.

We have included a checklist to help dental professionals meet their professional obligations to ensure their patients are protected and can be compensated where appropriate.

To help professionals make an assessment about the suitability of the cover they have in place, we have also included questions that a dental professional should consider when arranging their cover.

## About you

**1. Are you responding**

On behalf of myself

On behalf of my organisation

**2. Please complete the following (For inquiry purposes only. Details will not be published and will not form part of an FOI release)**

	Details
Full name	
Organisation	
Email address	

**3. Please select the following that best describes you or your organisation**

Education or training provider

UK registered dental professional (please see **3b** below)

Dental patient or member of the public

Professional body

NHS

Regulator

Training or studying to join the GDC register

If you selected Other, please specify:

**3a. Please select all categories of registration that apply to you**

Dental hygienist

Dental nurse

Dental technician

Dental therapist

Dentist

Orthodontic therapist

Clinical dental technician

**3b. Are you on a specialist list?**

Yes

No

## Questions

Looking at the [proposed guidance](#) and the information provided in this consultation, please answer the following questions.

- 4. To what extent do you agree or disagree that the proposed guidance on professional indemnity and insurance provides a clear explanation of what dental professionals must do to be compliant with legal and regulatory indemnity or insurance requirements?**

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your answer:

- 5. Please tell us if there is anything else that you think should be included in the proposed update to the guidance on professional indemnity and insurance cover.**

- 6. Please tell us if you have any further comments about the proposed update to the guidance on professional indemnity and insurance cover.**

## Considering impacts on different groups

In this section, we would like you to consider whether the proposed guidance has the potential to impact people with regard to their protected characteristics. We aim to foster inclusion, promote diversity and further eliminate discrimination in line with our [Equality, Diversity and Inclusion Strategy](#).

Please note, you do not have to provide us with any information regarding your protected characteristics to answer this question. You will have a chance to provide us with this information anonymously when you have submitted your response to this consultation.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

- 7. Please tell us about any impacts you think the proposed guidance may have with regard to the protected characteristics, or any other aspect of equality, diversity and inclusion.**

## Thank you

Please tell us a bit about you by completing this anonymous [Equality, Diversity and Inclusion questionnaire](#).

The GDC is committed to championing equality, diversity and inclusion inside our organisation, with the sector we regulate, and with the public. Completing these questions will help ensure that the way we work is fair and does not discriminate against individuals or groups.

Giving us this information is voluntary. The data will be aggregated to provide an analysis of respondents to our consultation only.

If you require this survey in an alternative form, please email [stakeholder@gdc-uk.org](mailto:stakeholder@gdc-uk.org).