

Guidance for dental professionals whose case has been referred to an Interim Order Committee (IOC) hearing

This guidance includes information about the IOC, the activities of different parties, things for you to do before, during and after a hearing, along with the outcomes from this type of hearing to ensure you know what to expect.

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What is the Interim Orders Committee (IOC)?

The Interim Orders Committee (IOC), conducts a risk assessment to determine whether a temporary measure (interim order) should be placed on a dental professional's registration, pending the outcome of a General Dental Council (GDC) fitness to practise investigation. Upon consideration of a case at a hearing, the IOC may:

- decide that no interim order is necessary; or
- impose an interim order of conditions (up to 18 months); or
- impose an interim order or suspension (up to 18 months).

Referral to Interim Orders Committee (IOC)

The GDC can refer a case to the IOC at any stage of a fitness to practise investigation if it considers an interim order needs to be made while the investigation is being carried out. If so, an IOC hearing will generally be listed within 21 days from the date the case is referred.

If your case is referred to an IOC, we will send you a formal letter called a '**Notice of Hearing**' that sets out:

- the reason(s) why your case has been referred to an IOC; and
- the date, time and venue of your hearing.

IOC hearings will mostly take place remotely by video-link (Microsoft Teams). A physical in-person hearing at our hearing venue in London may be requested, but this will only occur if there is good reason.

In the interests of public accountability, hearings before the IOC are generally open to the public. They may, however, be heard in private where the interests of the parties or the protection of the private or family life of the dental professional so requires, or if the Committee considers that publicity would prejudice the interests of justice.

Before the hearing

What do I, as a dental professional, need to do?

As soon as you receive notice that your case has been referred to the IOC, you should decide whether, at the hearing, you wish to:

- be represented – by a legal professional, defence organisation, friend or family member throughout the fitness to practice proceedings and during your hearings
- represent yourself
- provide the GDC with your written representations (called 'submissions'). These should be sent to GDC before the hearing date, so they can be placed before the IOC.

If you decide not to attend or participate in the process, the hearing may proceed in your absence. It is, therefore, in your interests to attend, as you will be given the opportunity to present your case and answer any questions the IOC may have.

What you need to tell the GDC

You need to tell the GDC in advance of the hearing:

- if you intend to attend the IOC hearing
- if you will be represented, or will be representing yourself, or intend to send written submissions only
- if you intend to participate in the IOC hearing, whether you have any specific needs that require adjustments to be made to help you participate, for example, if you have hearing difficulties
- if you are unable to attend the hearing on the date provided, and you want your IOC hearing postponed to another date, you will need to tell us why, and provide strong supporting evidence. This request will then be considered by the IOC, who may decide to proceed with the hearing in your absence, unless there is a good reason to postpone.

What will a legal representative be able to do for me?

A legal representative will be able to:

- give you advice, explain the process and assist you in preparing your case for the hearing
- attend the hearing and speak on your behalf, if you wish.

What if I cannot afford a legal representative?

You can seek advice and assistance from other organisations such as Citizens Advice, Law Works or a Trade Union. You can find more information about other forms of support and assistance available to you during the Fitness to Practise process on our [website](#).

If you would like any of these organisations to help you, we recommend you contact them as soon as possible.

What should I do if I represent myself?

Before the hearing, the GDC will send you a copy of the documents they intend to place before the IOC. We recommend that you read all the documents from the GDC, so you can start preparing your case. You may find it helpful to highlight or make notes about matters or issues that you want to bring to the IOC's attention, or note any questions you might want to ask the IOC.

If there are any relevant documents that you would like the IOC to see to support any submissions you wish to make, these should be sent to the GDC in good time before your hearing takes place, so they can be included in the hearing bundle. You should remember that the IOC is only making a risk assessment at this stage, so your documents should address this in relation to the concerns that are being considered.

You should do this before 3:00pm on the day before your hearing takes place, so the information can be placed before the IOC.

Preparing for the hearing if you represent yourself

When preparing your oral submissions (“spoken” representations to the IOC), you may find it helpful to:

- Consider the reason(s) the GDC’s Registrar or Case Examiners have referred your case to the IOC.
- Consider whether or not you agree that your continued unrestricted practice poses a risk to the public or the public interest, such that an interim order is necessary.
- Consider the impact any restriction placed on your registration would have on you, both financially and professionally.
- Organise your points in a logical order. Sometimes using headings or numbers can help break things up into manageable chunks. For example, if you have three reasons for opposing the making of an order, you can say something like my first reason... my second reason... my third reason...etc.
- Bring the IOC’s attention to documents contained in the hearing bundle. If you want to do this, you should tell the IOC which page(s) you want them to look at by referring them to the specific page numbers and paragraphs in the hearing bundle. This ensures the IOC and the GDC will be reading the information you wish to draw to their attention.
- Practice what you want to say before you attend the hearing, by saying it out loud in front of a friend or family member. This exercise allows you to check whether your submissions are clear and easy to understand.
- Stay focused and to the point in your submissions.
- Use your own words, as you may find it easier to express your views this way.
- If preparing ‘written submissions’, you might find it helpful to:
 - Type your submissions, as this will make it easier to read,
 - Use large font like Arial 12/14, as this also makes it easier to read, and
 - Use headings to signpost each point you are making and use bullet points or numbers to assist you in making your arguments clear.

Presenting your case at the hearing – hints and tips

- If you wear reading glasses or need anything else to help you read, please make sure you have them with you at the hearing.
- You or your legal representative will get the opportunity to present your case (make submissions) to the IOC, after the GDC’s Case Presenter. Submissions can be made orally or in writing.
- If you are represented, your representative will usually speak on your behalf, unless you wish to speak yourself. This should only be considered upon receiving legal advice from your representative.

If you do not have legal representation, you will be given the opportunity to meet the Committee’s independent legal adviser and the GDC’s representative before the hearing starts. The legal adviser’s role is to assist the IOC and advise them on any questions of law that arise throughout the hearing. Whilst they will not be able to provide you with any

legal advice, they will be able to explain the hearings process to you and answer any questions that you may have in relation to it.

- If you are representing yourself, you may find it helpful to write an outline or bullet point list of the things you want to say to the IOC, as this may help you remember the points you want to make. This may help you feel less anxious if you find public speaking difficult.
- When speaking, make sure you speak clearly and slowly, so that the IOC and the GDC can understand and make notes of what you say, as this will help them carry out their role.
- If your hearing is taking place at our hearing venue, please note the microphones on all the tables in the hearing room do not amplify your voice. They are there to record what you say. Therefore, when speaking, it is important that you raise your voice so everyone can clearly hear you.
- When you finish your sentence, you may want to pause for a moment before you continue with your presentation. This will give the IOC and the GDC Case Presenter time to finish writing their notes, before you start your next sentence.
- Please do not interrupt when someone else is speaking. You will be given the opportunity to respond to any comments made at the appropriate time.
- Listen carefully to any questions asked by the Committee or legal adviser and answer them as clearly as possible.
- Remain calm and avoid using strong emotive language. If you feel you would benefit from having a break, you can ask, and the IOC chair will confirm if this is possible.

At the hearing

Issues to be considered by the IOC

The impose no interim order. IOC will consider whether to restrict your registration on an interim (temporary) basis, while the Fitness to Practise investigation continues.

When making its decision, the IOC will undertake a risk assessment, which will include consideration of the following:

- The seriousness of the allegation(s).
- The weight and cogency (quality) of the information before it, including the likelihood of a further incident(s) occurring while the investigation continues.
- Whether there is an ongoing risk of harm to members of the public, should you continue to practise unrestricted.
- Whether public confidence in the dental profession is likely to be seriously damaged, should you continue to practise unrestricted.
- Whether it is in your own interests to for a restriction to be placed on your practice. For example, this may apply in health cases, where future concerns and risks may arise due to an adverse health condition.

It is important to note that the role of the IOC is not to investigate the allegation(s), conduct a fact-finding exercise to determine whether the allegation(s) are true or not, or to make a decision about whether your fitness to practise is impaired. These functions are reserved for a Practice Committee should your case be referred for a full hearing.

More details about Practice Committee hearings can be found [on our website](#) in our guidance for dental professionals.

The decisions the IOC can make

First IOC hearing

The IOC can make the following decisions:

- Postpone the IOC hearing (if you or the GDC make an application for the hearing to be heard at a later date).
- Impose an interim order:
 - **Interim order of conditions** on your registration for a maximum period up to 18 months, with reviews held every six months. This means that you must comply with the conditions specified in the order during that period or until the order is amended, substituted with a different type of order or revoked. More details about the types of conditions that can be imposed by the IOC can be found on our [website](#)
 - **Interim order of suspension** for a maximum period up to 18 months with reviews held every six months. This means that your registration in the GDC's register of dentists or dental care professionals will be suspended until such time that the order is substituted with an interim order of conditions or is revoked. For the duration of your suspension, you will not be allowed to use your professional title, work as a dental professional or profit from the business of dentistry (as an employer or Director of a company). Should you continue to do so, you will be doing so illegally and may be liable to criminal prosecution.

When deciding the length of an interim order, the IOC will consider the current stage of the investigation and the time it will take the GDC to complete its Fitness to Practise investigation. This may include the time it will take to obtain all witness statements, carry out assessments, obtain expert reports and listing the case for a full hearing.

After the hearing

Outcome of the hearing

If you take part in your hearing, you will be informed of the outcome at the end of the hearing and you will be sent a copy of the IOC's written determination.

If you do not attend the hearing, we will send you written confirmation of the outcome by post to your registered address and by email where appropriate. This will explain what will happen next including your right to challenge the decision of the IOC (see below).

We have a duty to publish a range of decisions including those made by an IOC. These will be published on our website. If the case involved any sensitive information relating to your physical or mental health, or your private or family life, this information will be removed from the public determination prior to its publication on our website.

When an interim order of suspension or conditions is imposed, we will share this with other European regulators, the NHS and the CQC.

IOC Review hearings

Once an interim order has been imposed, there is a general requirement that the interim order will need to be reviewed every six months. At each review hearing, the IOC will consider whether it remains necessary to continue the current interim order or make any changes.

We will inform you when the IOC review hearing will take place and will invite you to provide your written submissions by a specific date. It is important you provide your submissions on time. If you have any difficulties complying with this request, you should tell your contact in the GDC's legal team as soon as possible.

There are three types of review hearing:

- **Review hearing (on the papers)** – Most review hearings will be heard 'on the papers', particularly where the parties agree that a change of the interim order is not required, there is no change of circumstances, or where a dental professional is not engaging with proceedings. 'On the papers', means neither you nor the GDC will be required to attend a hearing. However, both parties will be able to submit written representations, which will be considered by the IOC.
- **Review hearing (oral)** - Should either party wish to attend a review hearing, then a specific date will be given, and it will be dealt with as an oral hearing. Any requests for an oral hearing must be made well in advance of the review due date. If you want an oral hearing you must inform the Hearings Case Management Officer in the Hearing Service and your contact in the GDC legal team.
- **Early review hearing** - An early IOC review hearing may be required if new information becomes available which may mean the current interim order is no longer required or where it may need to be amended or substituted for an interim order of another type. A request for an early review hearing can be made by either you or the GDC.

Extending an interim order

- The maximum period the IOC can impose an interim order for is 18 months. If the GDC need more time to complete its fitness to practise investigation, which can happen in more complex cases, they can apply for an extension to the relevant court¹. The court can extend the order for a maximum period of 12 months at a time. When making this application, the GDC will need to explain why the extension is required.
- You will be given an opportunity to respond to such an application before the court makes its decision.

¹ For England and Wales, this is the High Court in England and Wales. For Scotland, this is the Court of Session. For Northern Ireland, this is the High Court in Northern Ireland.

- If the order is extended for a further 12 months, the IOC are required to review the order within three months of the order being extended. It will then review the case again after six months as required. The process followed at the review hearing will be the same as before the court extension, which means the IOC can:
 - maintain the existing interim order
 - replace the existing interim order of conditions with one of interim suspension or vice versa
 - vary the conditions imposed, or
 - revoke the interim order.

Challenging an IOC decision

If you believe the decision of the IOC to impose an interim order was wrong, you may challenge the decision by way of an application, depending on where you live, to the High Court in England and Wales or Northern Ireland, or the Court of Session in Scotland. You may wish to seek independent legal advice before doing this.

Further reading material

When preparing for your IOC hearing, we recommend you read the following documents which can all be found on our website.

- The Dentists Act 1984 (sections 32 and 36V deal with Interim Orders)
- General Dental Council (Fitness to Practise) Rules Order of Council 2006 ('The Rules')
- Interim Orders Guidance for the IOC
- IOC Conditions Bank
- Information Guide for Dental Professionals

More information about the role of the IOC is available on our website.