

Complaint from a member of the public alleging unprofessional conduct

Investigating committee informs dentist of the complaint and asks for response

Complainant apprised of response and , if necessary, invited to provide further particulars and documents in support

If thought necessary, investigating committee can request examination by independent practitioner to record and provide a factual report on the state of the complainant's mouth, X-rays may be taken. The respondent may be invited to attend the examination and should get a copy of the status report

If thought necessary, investigating committee may seek examination and report from an expert . The respondent should get a copy of this report

Investigating committee can refer to Screening Committee to consider whether the complaint should be pursued or discontinued; for example, because considered spurious or a lack of evidence

If no prima facie case against the dentist, Council shall be so advised. If Council agrees, the case will be closed and no further action will be taken. Complainant and dentist will be so advised

If it is felt that a relevant allegation has been made, the inquiry moves forward.

The investigating committee advises both dentist and complainant of the relevant charges. And steps taken to empanel a Disciplinary Tribunal comprising 3 members of Council to adjudicate on the allegations/ charges. The parties may be legally represented, even though the complainant is just a witness in the proceedings

Directions Hearing. Tribunal outlines the procedures to be adopted and the fixing of timetables. Dentist will have opportunity to object to any member of the Tribunal on the ground of bias or conflicts of interest. Any other issues arising (use of experts, mediation, findings of the independent examiner,etc) may be dealt with

If the parties wish, and the circumstances of the case allow, proceedings may be adjourned to allow for Alternate Dispute Resolution, including mediation. If matter is resolved through ADR, the Disciplinary Tribunal may dismiss the complaint, unless the resolution includes sanctions to be imposed by Council in which case Council shall impose such sanctions

If no resolution via ADR , the Disciplinary Tribunal proceeds with the inquiry . Dentist shall be given every opportunity to explain his actions and confront his accuser; he can question witnesses and can call witnesses. But the procedural requirements of adversarial litigation and the strict rules of evidence don't apply . Questions to witnesses are designed to uncover the truth about the matter under investigation, but the character of the proceedings shall be more inquisitorial than adversarial in nature.

The Tribunal's role is to ascertain the facts and make findings on the facts. If Tribunal finds dentist not guilty, the complaint is dismissed. If found guilty of improper or unprofessional conduct , the Tribunal will submit its report to Council with recommendations,if any

Dental Council, with a quorum of 5 ,will decide on the Tribunal's Report and on the sanction to be imposed. The dentist should be allowed an opportunity to put forward a plea in mitigation. Council may reach a decision immediately or may postpone its decision until a future meeting at which it will have an opportunity of considering the dentist's conduct during the intervening period. Council will then pass the appropriate resolution i.e. the sanction , if any, to be imposed