

## **Dental Council - 2018 Annual Report**

### **Report of Proceedings**

This report is prepared in accordance with Section 57 of the Dentists Act, 1985 and sets out a report of the Dental Council's activity during 2018.

#### **1. Consideration of Fitness to Practise Reports**

The Dental Council's Fitness to Practise Committee held three inquiries in 2018. There were eight days of inquiries in 2018, which is the highest number ever in a calendar year. One of these inquiries ran for six days. Professional misconduct was proven in one case and no professional misconduct was found in the other two cases.

The reports of inquiries held by the council's Fitness to Practise Committee must be submitted to the council who have the authority to apply a sanction if it is deemed appropriate. The council will consider the three reports in 2019. The council upheld the decision that there was no prima facie evidence in four applications for inquiry into the fitness to practise of registered dentists.

#### **2. Education and Training**

The Dental Council is reviewing its suite of codes and guidance to ensure that they are still relevant and current. It is planned to complete this work in 2019. The council published its Code of Practice regarding Amalgam in July 2018. European Union Regulation 2017/852 is an environmental measure which placed an obligation on all member states to reduce the use of mercury across a range of industries, including dentistry. The code places obligations on dentists to safely manage amalgam and to eliminate where possible the use of amalgam fillings in certain cohorts of the population.

The council revised the governance and structure of its examination for dentists holding non-European Union qualifications. This has formalised the role and functions of the Exam Board and council has introduced a new, mandatory component that tests the candidate's knowledge of the Irish dental health and regulatory systems. The examination is in two parts. Part 1 tests the health sciences and basic clinical skills. Part 2 is clinically focused and tests knowledge in the main areas of dentistry. In 2018, 7 of the 22 candidates who sat the Part 2 examination passed.

From 1 October 2018, all applicants for registration are now obliged to prove their proficiency in English using defined and recognised international benchmarks and qualifications.

The Dental Council accredits the undergraduate dental programmes in the University College Cork (in Cork University Dental School and Hospital) and University of Dublin (in Dublin Dental University Hospital) every five years. The next accreditation cycle will be in 2022. The programmes accredited by the Dental Council are:

- Bachelor of Dental Surgery of the National University of Ireland (UCC)
- Bachelor in Dental Science of the University of Dublin (Trinity College Dublin)

### **3. Irish Committee for Specialist Training in Dentistry**

The Dental Council executive continued to support the work of the Irish Committee for Specialist Training in Dentistry (ICSTD) and its advisory committees. Under Section 34(c) of the Dentists Act, 1985, the Dental Council has a duty to satisfy itself as to the adequacy and suitability of postgraduate education and training provided by bodies recognised for the purpose of providing dental specialist training.

To meet this obligation, the Dental Council relies to a significant extent on the assurance provided by the ICSTD regarding the ongoing suitability of specialist training programmes and the quality of the training. The Dental Council and the ICSTD approved a document entitled 'Core Standards for Postgraduate Specialist Training in Ireland' in 2018 to enhance activities in this area.

As at end of 2018, the following training programmes continue to be approved by the Dental Council:

- D.Ch.Dent. in Oral Surgery – University of Dublin (Trinity College Dublin)
- D.Ch.Dent. in Orthodontics – University of Dublin (Trinity College Dublin)
- D.Ch.Dent. in Periodontics – University of Dublin (Trinity College Dublin)
- D.Ch.Dent. in Paediatric Dentistry - University of Dublin (Trinity College Dublin)
- D.Ch.Dent. in Prosthodontics - University of Dublin (Trinity College Dublin)
- D.Ch.Dent. in Special Care Dentistry – University of Dublin (Trinity College Dublin)
- Higher Clinical Training in Oral Medicine (training delivered in Dublin Dental University Hospital)
- Higher Clinical Training in Oral Maxillo-Facial Pathology (training delivered in Dublin Dental University Hospital)
- D.Clin.Dent in Oral Surgery - National University of Ireland, Cork
- D.Clin.Dent in Orthodontics - National University of Ireland, Cork

### **4. Auxiliary Dental Workers**

In 2018 the Auxiliary Committee considered and approved a number of reports following accreditation visits:

#### **Athone IT**

- Diploma in Dental Nursing

#### **Cork University Dental School and Hospital**

- Diploma in Dental Hygiene
- National Dental Nursing Training Programme

#### **Dublin Dental University Hospital**

- Diploma in Dental Hygiene
- Diploma in Dental Nursing
- National Dental Nursing Training Programme

#### **Letterkenny IT**

- Diploma in Dental Nursing

All programmes were approved subject to conditions which the council continues to monitor. The Dental Council also held exploratory discussions with two other institutions who were considering offering auxiliary programmes.

The other auxiliary dental worker programmes accredited by the Dental Council are:

**Dublin Dental University Hospital**

- Postgraduate Diploma in Clinical Dental Technology
- Diploma in Orthodontic Therapy

**National Examining Board for Dental Nurses**

- Diploma in Dental Nursing (Ireland) (delivered in Marino Institute for Further Education and Drogheda Institute for Further Education).

The Auxiliary Dental Workers Committee completed a comprehensive review of the scopes of practice of all the auxiliary professions, including dental technology, which is not yet regulated by the council. This work will be assessed against the National Oral Health Policy once it is published.

**5. International Matters**

The registrar, David O'Flynn, was the president of the Federation of European Competent Authorities and Regulators (FEDCAR) in 2018. The Dental Council hosted FEDCAR's annual conference in Dublin Castle in April.

The Dental Council renewed its 2012 mutual recognition agreement with the Commission on Dental Accreditation of Canada (CDAC). As part of this process, the Dental Council attended a CDAC accreditation survey in the University of Saskatchewan in March 2018.

**6. Corporate Governance and Other matters**

Prof Leo Stassen, Prof Martin Kinirons and Dr Liam Lynch resigned their positions on Dental Council in 2018. Arising from these resignations, Dr Gerry Cleary was elected Vice President by the Dental Council, Dr Niamh Galvin was co-opted to take Prof Stassen's place as a member of council, and Dr Christine McCreary was appointed by University College Cork to replace Prof Kinirons. The council will co-opt a replacement for Dr Lynch in early 2019. Mr Mark Kane was appointed by the Minister for Health to replace Ms Marie Henson, who resigned in 2017.

The Dental Council's strategic plan for the period 2018-2022 is, at the request of the Department of Health, on hold pending the publication of the new National Oral Health Policy.

The Dental Council approved a staffing plan to position the council to take on the extra duties arising from the National Oral Health Policy and the proposed new Dental Bill, when enacted. This has been submitted to the Minister for Health for approval.

The Dental Council agreed it would establish an Audit and Risk Committee in early 2019 and Muireann O'Neill was appointed as its chair. It is anticipated that additional members will be appointed in early 2019 and that it will commence its activities thereafter.

Members of the Dental Council and its committees are not paid member fees. They are entitled to claim travel and subsistence to attend meetings and this is paid at the established Civil Service rate. The Dental Council is appreciative of the commitment members give to their duties and it notes that some members incur a loss of income when attending to council business.

The Dental Council would like to thank the staff of the Dental Council for its support and their dedication to its work. The Council is appreciative of their commitment to their role in regulating the profession and protecting the public.

**Dr Gerry McCarthy**  
President

## **Statement on Internal Control**

### **Scope of Responsibility**

The Dental Council acknowledges its responsibility for ensuring that an effective system of internal control is maintained and operated. This responsibility takes account of the requirements of the Code of Practice for the Governance of State Bodies (2016). Internal control and risk management are presently being overseen by the Dental Council's Finance and General Purposes Committee. The Dental Council agreed to establish an Audit and Risk Committee in December 2018 to oversee internal control and risk.

### **Purpose of the System of Internal Control**

The system of internal control is designed to manage risk to a tolerable level rather than to eliminate it. The system can therefore only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded and that material errors or irregularities are either prevented or detected in a timely way. The system of internal control is overseen by the Dental Council's Finance and General Practice Committee. It has been in place in Dental Council for the year ended 31 December 2018 and up to the date of approval of the financial statements.

### **Capacity to Handle Risk**

Responsibility for control and risk rests with the Dental Council's Finance and General Purposes Committee. As the council is a small organisation this has heretofore, in the council's opinion, been the most effective way of managing these functions. This committee met six times in 2018. The council policy is to manage identified risks conservatively and to build an internal resilience, including a financial resilience, to allow it deal with unexpected risk. The risk management processes in place detail the roles and responsibilities in relation to risk.

### **Risk and Control Framework**

The Dental Council has implemented a risk management system which identifies and reports key risks and the management actions being taken to address and, to the extent possible, to mitigate those risks. A risk register is in place which identifies the key risks facing the Dental Council, and these have been identified, evaluated and graded according to their significance. The register is reviewed and updated by the Finance and General Purposes Committee eight times annually. The Risk Register is a standing item on the Finance and General Purposes Committee and Dental Council meeting agendas. The outcome of these assessments is used to plan and allocate resources to ensure risks are managed to an acceptable level. The risk register details the controls and actions needed to mitigate risks and responsibility for operation of controls assigned to specific staff.

I confirm that a control environment containing the following elements is in place:

- procedures for key business processes have been documented
- financial responsibilities have been assigned with corresponding accountability
- there is an appropriate budgeting system with an annual budget which is kept under review
- there are systems aimed at ensuring the security of the information and communication technology systems
- there are systems in place to safeguard the assets and

- There is no grant funding to outside agencies.

#### **Ongoing Monitoring and Review**

The Finance and General Purposes Committee monitors control processes and control deficiencies are communicated to those responsible for taking corrective action.

I confirm that the following ongoing monitoring systems are in place:

- key risks and related controls have been identified and processes have been put in place to monitor the operation of those key controls and report any identified deficiencies.
- reporting arrangements have been established where responsibility for financial management has been assigned, and
- there are regular reviews of periodic and annual performance and financial reports which indicate performance against budgets/forecasts

#### **Procurement**

I confirm that the Dental Council has procedures in place to ensure compliance with current procurement rules and guidelines and that, during 2018, the Dental Council complied with those procedures.

#### **Review of Effectiveness**

I confirm that the Dental Council has procedures to monitor the effectiveness of its risk management and control procedures. The Dental Council's monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the external auditors and the Finance and General Purposes Committee, and the senior management within Dental Council responsible for the development and maintenance of the internal financial control framework.

I confirm that the Board conducted an annual review of the effectiveness of the internal controls for 2018. No weaknesses in internal control were identified in relation to 2018 that require disclosure in the financial statements.

**Dr Gerry McCarthy**  
President

## **Governance Statement and Board Members' Report**

### **Governance**

The Dental Council was established under the Dentists Act, 1985. The Dental Council is accountable to the Minister for Health and is responsible for ensuring good governance and performs this task by setting strategic objectives and targets and taking strategic decisions on all key business issues. The regular day-to-day management, control and direction of the Dental Council are the responsibility of the registrar and the senior management team. They must follow the broad strategic direction set by the Council and must ensure that all members have a clear understanding of the key activities and decisions related to the entity, and of any significant risks likely to arise. The registrar acts as a direct liaison between the Council and executive of the Council.

### **Board Responsibilities**

The work and responsibilities of the Dental Council are set out in the 'Statement of Governance of the Dental Council' document which also confirm the matters specifically reserved for the council's decision. Standing items considered by the council include:

- declaration of interests
- reports from committees
- financial reports/management accounts
- performance reports, and
- reserved matters

Section 21 of the Dentists Act, 1985 requires the Dental Council to keep proper accounts of all income and expenditure and to keep proper accounts of the property, assets and liabilities of the Council. In preparing these financial statements, the Dental Council:

- selects suitable accounting policies and apply them consistently
- makes judgements and estimates that are reasonable and prudent
- prepares the financial statements on the going concern basis

The Council is responsible for keeping adequate accounting records which disclose, with reasonable accuracy at any time, its financial position and enables it to ensure that the financial statements comply with Section 21 of the Dentists Act, 1985.

The maintenance and integrity of the corporate and financial information on the Dental Council's website is the responsibility of the Dental Council. The Council is responsible for approving the annual plan and budget. An evaluation of its performance by reference to the annual plan and budget was carried in December 2018. The Council is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities. The Dental Council considers that the financial statements give a true and fair view of its financial performance and the financial position as of 31 December 2018.

### **Board Structure**

The Dental Council consists of nineteen members who are appointed under the provisions of Section 9 of the Dentists Act, 1985. The president and the vice-president are elected by the council. Below details the appointment period for current members:

<b>Council Member</b>	<b>Role (elected/nominated)</b>	<b>Date Appointed</b>
Dr Gerry McCarthy	President, elected	12 Nov 2015
Dr Gerry Cleary	Vice President Nominated, RCSI	12 Nov 2015
Dr Danielle Colbert	Elected	12 Nov 2015
Dr Rory Fleming	Elected	12 Nov 2015
Dr Niamh Galvin	Elected	5 Dec 2018
Dr Ray McCarthy	Elected	12 Nov 2015
Dr Bernard Murphy	Elected	12 Nov 2015
Dr Claire Healy	Nominated, Trinity College	12 Nov 2015
Prof Brian O'Connell	Nominated, Trinity College	12 Nov 2015
Dr Frank Burke	Nominated, UCC	12 Nov 2015
Dr Christine McCreary	Nominated, UCC	5 Dec 2018
Dr John Barragry	Nominated, Medical Council	12 Nov 2015
Dr Marie Kehoe-O'Sullivan	Nominated, Medical Council	24 May 2017
Dr Bryan Maguire	Nominated, Minister for Education And Skills	12 Nov 2015
Mr James Doorley	Nominated, Minister for Health	12 Nov 2015
Mr Mark Kane	Nominated, Minister for Health	26 Sept 2018
Dr Eleanor O'Higgins	Nominated, Minister for Health	12 Nov 2015
Ms Muireann O'Neill	Nominated, Minister for Health	12 Nov 2015
Vacant	Elected member	

### **Key Personnel Changes**

Three members of the council resigned during 2018. University College Cork appointed Dr Christine McCreary to replace Prof Martin Kinirons and the Dental Council co-opted Dr Niamh Galvin to replace Prof Stassen. The vacant position arising from Dr Liam Lynch's resignation will be filled in 2019. The Minister for Health appointed Mr Mark Kane to replace Ms Marie Henson who resigned in 2017. The Dental Council voted Dr Gerry Cleary as its Vice President to replace Prof Stassen.

### **Dental Council Committees**

The Dentists Act, 1985 established three statutory committees: the Education and Training Committee, the Auxiliary Dental Workers Committee and the Fitness to Practise Committee. As well as these, the Dental Council has also established a Finance and General Purposes Committee and a Specialist Training and Registration Committee, which reports to the Education and Training Committee.

The Education and Training Committee is responsible for all matters relating to dental education and training, including post-graduate and specialist training set out under Part IV of the Dentists Act, 1985. The membership of this committee at 31 December 2018 is set out below.

- Dr Frank Burke, Chair
- Dr Gerry Cleary



- Dr Danielle Colbert
- Dr Rory Fleming
- Dr Claire Healy
- Dr Bryan Maguire
- Dr Gerry McCarthy
- Dr Christine McCreary
- Dr Bernard Murphy
- Prof Brian O’Connell
- Ms Muireann O’Neill
- Dr Michael O’Sullivan, as Chair of ICSTD
- Dr Ionnais Polyzois, nominated by ICSTD

The Fitness to Practise Committee is responsible for all matters relating to the council’s fitness to practise functions set out under Part V of the Dentists Act, 1985. The membership of this committee 31 December 2018 is set out below.

- Dr Bernard Murphy, Chair
- Dr Danielle Colbert
- Mr James Doorley
- Dr Rory Fleming
- Dr Niamh Galvin
- Mr Mark Kane
- Dr Ray McCarthy
- Dr Eleanor O’Higgins
- 1 position vacant

The Auxiliary Dental Workers Committee is responsible for all matters relating the auxiliary dental workers professions set out in Part IV of the Dentists Act, 1985. This committee includes a member elected by each class of auxiliary dental worker. The membership of this committee at 31 December 2018 is set out below.

- Dr Rory Fleming, Chair
- Dr Frank Burke
- Dr Gerry Cleary
- Dr Danielle Colbert
- Ms Annemarie Connolly, elected by registered orthodontic therapists
- Ms Yvonne Howell, elected by registered dental hygienists
- Dr Bryan Maguire
- Dr Gerry McCarthy
- Dr Ray McCarthy
- Glenn McEvoy, nominated as Dental Technician
- Dr Bernard Murphy
- Mr Colum Sower, elected by registered clinical dental technicians
- Ms Michelle Spearman-Geraghty, elected by registered dental nurses

The Finance and General Purposes Committee is responsible for all matters concerning the Dental Council's financial control, corporate governance and routine administrative matters. The membership is set out below.

- Dr Gerry McCarthy, Chair and President
- Dr Gerry Cleary, Vice-President
- Dr Frank Burke, as Chair of Education and Training Committee
- Dr Rory Fleming, as Chair of Auxiliary Dental Workers Committee
- Dr Bernard Murphy, as Chair of Fitness to Practise

The Audit and Risk Committee will take office in early 2019. Ms Muireann O'Neill was appointed as its chair.

### Schedule of Attendance

A schedule of attendance at the council and committee meetings for 2018 is set out below.

Name	Elected/Nominated by	Coun	F&GP	FTP	Ed&T	Aux	STAR
Dr Gerard McCarthy (President)	Elected	4/4	7/7		4/4	4/4	
Dr Gerry Cleary (Vice President)	RCSI	4/4	7/7		4/4	4/4	3/3
Dr Francis Burke (Chair Education)	UCC	4/4	6/7		4/4	4/4	3/3
Dr Bernard Murphy (Chair FTP)	Elected	4/4	7/7	4/4	4/4	4/4	
Dr Rory Fleming (Chair Auxiliary)	Elected	4/4	6/7	4/4	4/4	4/4	
Prof Leo Stassen	Elected (resigned Sept 18)	2/2	5/6		1/3	1/3	3/3
Dr Liam Lynch	Elected (resigned Dec 18)	3/3		2/3			
Dr Ray McCarthy	Elected	3/4		3/4		2/4	
Dr Danielle Colbert	Elected	3/4		3/4	3/4	3/4	
Prof Brian O'Connell	Trinity College	1/4			0/4		
Dr Claire Healy	Trinity College	4/4			4/4		1/3
Prof Martin Kinirons	UCC (resigned Sept 18)	2/2		2/3	2/3		0/2
Dr John Barragry	Medical Council	3/4					
Ms Marie Kehoe O'Sullivan	Medical Council	1/4					
Dr Eleanor O'Higgins	Minister for Health	2/4		4/4			
Ms Muireann O'Neill	Minister for Health	4/4			4/4		
Mr Mark Kane	Minister for Health	2/2		1/1			
Mr James Doorley	Minister for Health	3/4		3/4			
Mr Bryan Maguire	Minister for Education and Skills	4/4			4/4	4/4	
Dr Niamh Galvin	Elected (replace Prof Stassen)	1/1					
Dr Christine McCreary	UCC (replace Prof Kinirons)	1/1			0/0		0/1
Dr Thérèse Garvey	Co-opted						3/3
Dr Michael O'Sullivan	Chair of ICSTD				3/4		
Dr Ioannis Polyzois	Other nominee of ICSTD				3/4		
Dr Gary Leonard	Chair Oral Surgery AC						2/2
Dr Ebrahim Al-Awadhi	Chair Orthodontist AC (to Sept 18)						1/2
Prof Declan Millet	Chair Orthodontist AC (form Sept 18)						1/1
Ms Michelle Spearman-Geraghty	DN Rep - Elected					3/4	
Ms Yvonne Howell	DH Rep - Elected					1/4	
Ms Annemarie Connolly	Orth Therap - Elected					4/4	
Mc Colum Sower	CDT Rep - Elected					4/4	
Mr Glenn McEvoy	DT Rep - nominated by Dental Council					4/4	

The attendance figures above show the numbers of meetings attended and number of meetings which the member was entitled to attend.

#### Notes

Coun - Dental Council

F&GP - Finance and General Purposes Committee

FTP – Fitness to Practise Committee

Ed&T - Education and Training Committee

Aux - Auxiliary Dental Workers Committee

STAR - Specialist Training and Registration Committee

**Disclosures Required by Code of Practice for the Governance of State Bodies**

The Board is responsible for ensuring that the Dental Council has complied with the requirements of the Code of Practice for the Governance of State Bodies, as published by the Department of Public Expenditure and Reform in August 2016. The following disclosures are required by the code:

**Schedule of Fees and Expenses paid in 2018**

Members of Dental Council or its committees are not paid fees. A schedule of the expenses received by each member is set out below.

	€
Dr Rory Fleming	6,011
Dr Gerry McCarthy	5,676
Ms Muireann O'Neill	5,482
Dr Frank Burke	2,489
Dr Bernard Murphy	1,967
Dr Liam Lynch	1,653
Michelle Spearman-Geraghty	953
Prof Martin Kinirons	706
Ms Annemaire Connolly	673
Mr James Doorley	412
Mr Mark Kane	284
Dr Christine McCreary	173
Marie Kehoe-O'Sullivan	149
Dr Niamh Galvin	148
Dr Gerry Cleary	80
Prof Leo Stassen	40
<b>Total</b>	<b>26,895</b>

**Employee Short-Term Benefits Breakdown**

Employees' short-term benefits in excess of €60,000 are categorised into the following bands:

Range From-To	Number of Employees	
	2018	2017
€60,000-€69,999	-	1
€70,000-€79,999	1	-
€80,000-€89,999	-	-
€90,000-€99,999	-	-
€100,000-€109,999	1	1

Note: For the purposes of this disclosure, short-term employee benefits in relation to services rendered during the reporting period include salary, overtime allowances and other payments made on behalf of the employee, but exclude employer's PRSI

### Remuneration of Employees

<b>Remuneration (€)</b>	<b>2018</b>	<b>2017</b>
Short-term benefits	391,319	361,506
Contract staff	76,020	78,836
Employers Contribution to social welfare	32,121	29,891
<b>Total</b>	<b>499,460</b>	<b>470,233</b>

### Registrar's Salary and Benefits

<b>Salary and Benefits (€)</b>	<b>2018</b>	<b>2017</b>
Basic Pay	105,552	100,333
Benefits	-	-
<b>Total</b>	<b>105,552</b>	<b>100,333</b>

The registrar is a member of the Dental Council's pension scheme, and his entitlements in that regard do not extend beyond the terms of the model public service pension scheme. The value of retirement benefits earned in the period is not included above.

### Consultancy Costs

Consultancy costs include the cost of external advice to management and exclude outsourced 'business-as-usual' functions.

<b>Consultancy Costs (€)</b>	<b>2018</b>	<b>2017</b>
Human Resources	15,516	3,126
Legal	3,014	3,075
<b>Total</b>	<b>18,530</b>	<b>6,201</b>

### Legal Costs and Settlements

The table below provides a breakdown of amounts recognised as expenditure in the reporting period in relation to legal costs, settlements and conciliation and arbitration proceedings relating to contracts with third parties. This does not include expenditure incurred in relation to general legal advice received by Dental Council which is disclosed in Consultancy costs

<b>Legal fees (€)</b>	<b>2018</b>	<b>2017</b>
Fitness to Practise	127,846	80,581

### Travel and Subsistence Expenditure

Travel and subsistence expenditure claimed by individuals is categorised as follows:

<b>Travel and Subsistence Expenditure (€)</b>	<b>2018</b>	<b>2017</b>
Domestic		
– Council	26,895	26,613
– Employee	2,265	1,517

International

– Council	-	-
– Employee	4,145	3,744

In 2017, the Dental Council reimbursed council members vouched accommodation costs. In 2018 the Dental Council procured accommodation directly.

**Protected Disclosures**

The Dental Council and/or registrar received the following protected disclosures:

	<b>2018</b>	<b>2017</b>
Protected Disclosures received	1	-

**Statement of Compliance**

The council has adopted the Code of Practice for the Governance of State Bodies (2016). Dental Council has complied with the requirements of the Code of Practice for the Governance of State Bodies, as published by the Department of Public Expenditure and Reform in August 2016. The Dental Council will establish a Risk and Audit Committee in early 2019.