
NHS TRIBUNAL

Summary of Decision Following an Inquiry

Parties

Complainers: Ayrshire and Arran Health Board
Practitioner: Mr. Andrew Boyd, General Dental Practitioner.

Hearing

Tribunal members: Mr. Alan D Miller (Chairman);
Mr. Michael Arthur (specialist member);
Mr. John Robertson (lay member).
Hearing held on: 1st June 2006, 31st August 2006, 5th February and 21st
March 2007.

Grounds for Complaint

That Mr. Boyd was unsuitable (1) on the grounds of efficiency of service and (2) by virtue of his professional conduct for inclusion in the health board's list of general dental practitioners, on the basis of his professional competence.

Findings by the Tribunal

1. Mr. Boyd was the principal dentist in a practice in Barassie Street, Troon and had taken sole responsibility for the practice since 2001.
2. Mr. Boyd persistently demonstrated serious and widespread failings in professional knowledge and clinical practice.
3. One patient required to have 8 teeth extracted under general anaesthetic as a result of Mr. Boyd's failure to diagnose dental decay and disease.
4. The Health Board offered all of Mr. Boyd's patients an independent examination. Of the 941 patients examined, 278 required extensive and urgent remedial work due to substandard dental care. In a further 333 cases there was evidence of previous treatment of an unacceptable standard.
5. Mr. Boyd was a well-motivated and caring dentist who willingly undertook extensive additional training. However, he was not able to apply his knowledge and skills under the pressures of general dental practice.

6. Mr Boyd's response to work-related stress was characterised by avoidant thinking whereby he knowingly under-treated patients and worked longer hours in the unrealistic hope of catching up. This was due to personality factors rather than any treatable disorder.
7. Mr. Boyd continued to view excessive workload as being the sole cause of the deficits in his clinical practice.

Determination by the Tribunal

At the first hearing, the Tribunal suspended Mr. Boyd on an interim basis.

The Tribunal found the efficiency case and the unsuitability case to be made out.

The Tribunal imposed unconditional disqualification on Mr. Boyd.

The Tribunal made no order as to expenses.

Explanatory Notes

1. The NHS Tribunal is constituted under the National Health Service (Scotland) Act 1978. The Tribunal hears formal complaints against family health service practitioners in Scotland. The Tribunal is independent both from Scottish Ministers and from professional disciplinary bodies such as the GMC.
2. Cases are normally referred to the Tribunal by health boards although anyone may make a reference.
3. There are three possible grounds for making a reference to the Tribunal:
 - i. an "efficiency case" – that it would be prejudicial to the efficiency of the relevant NHS service to allow the practitioner to continue to provide it
 - ii. a "fraud case" – that the practitioner has caused detriment to any health scheme by securing or trying to secure financial or other benefit
 - iii. an "unsuitability case" – that the practitioner is unsuitable, because of professional or personal conduct, to be allowed to provide the NHS service.
4. If the Tribunal finds that any of these grounds is made out, it has powers to disqualify the practitioner from working anywhere in the NHS's family health services.
5. Disqualification may be unconditional or conditional. A practitioner who is conditionally disqualified may continue to provide NHS services but must keep to any conditions set by the Tribunal.
6. The Tribunal has power to undertake further enquiry at a later date and can remove a disqualification or vary its terms.
7. The Tribunal hears cases in private in order to protect the interests of patients.
8. All decisions are published in summary form on the Tribunal's website at www.nhstribunal.scot.nhs.uk.