

Thursday, 15 December 2022

To: NHS England and local commissioners

### **Mid-year review action plans**

We have been approached by a number of our members who have received a document headed “Appendix 2 – Mid-Year Action Plan”

The document appears to be aimed at NHS dental providers who have not met the 30% threshold for performance in the April to September 2022 period, and asks them to provide detailed information about their dental practice, including information about staff sickness, maternity absence, and the practice split between NHS and private work.

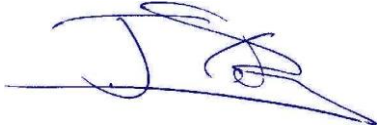
We have serious concerns about this form, we ask that it is withdrawn and that you contact providers to say that completion of the form is unnecessary.

Our concerns about this form are:

- The GDS regulations do not provide for a form of this nature at mid-year review. The regulations allow the Board to notify the provider that they have concerns about the level of activity and to ask them to participate in a mid-year review. That review process allows the provider to submit reasons for the level of activity. This form asks for information, most of which is likely to be entirely irrelevant to a mid-year review of an individual provider. It is a data gathering exercise not provided for in the regulations and places an unnecessary burden on providers. We are considering our position in relation to a claim that asking for this form is unlawful.
- Providers have concerns about completing these forms because they do not know how the information will be used. The issues raised in the form are not simple issues: they need more detailed discussion. Providers will be reluctant to answer these general questions unless they are clear about the purpose of the discussion and why questions are being asked, and they have an opportunity to provide relevant comment. There are areas covered in the form which are not the direct business of commissioners.
- These general questions take no account of individual circumstances.
- We are concerned that trust between local commissioners and NHS England on the one hand, and NHS dental providers on other is not at its highest level. In any situation like this, both sides will have a different perspective and different concerns. For the reasons set out above, requiring providers to complete this questionnaire appears intrusive and a measure more likely to damage trust than build it.

We recognise of course the access issues that sit behind this exercise, but we do not believe that this is the best way to work with providers to understand the problems of NHS dentistry, particularly given that many of the reasons lie outside of the control of providers themselves. We therefore urge NHS England and local commissioners to speak to providers at mid-year review meetings to discuss their individual circumstances and work with those providers, as provided for in the regulations .

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J Goldman', written over a horizontal line.

James Goldman  
Associate Director of Advisory Services

DD: 020 7563 4140

E-mail: [james.goldman@bda.org](mailto:james.goldman@bda.org)