

EDITORIAL

Dr Bates and the NHS/GDC?

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The recent revelations from the TV drama about the inappropriate behaviour of a public body got me thinking.¹ During my time at the BDA, there were two significant themes putting dentists under pressure. One was the draconian implementation of an English NHS Dental Contract that began in 2006 and is still running. The other was the uncontrollable General Dental Council (GDC).

The faults in the NHS Contract were evident from the beginning. It was implemented on a take it or leave it (and go hungry) basis. Its unit of currency – the infamous UDA – has always been a crude and inappropriate way to remunerate dentists doing complicated courses of treatment. The addition of the sanction that is ‘clawback’ was nothing short of wicked. This meant that notional ‘underperformance’ (despite what, in reality, amounted to extreme work pressure to service needy populations) resulted in demands for the repayment of unaffordable amounts of money. Many practitioners were forced to seek loans or remortgage their homes to foot the bill for these impositions.

The GDC is indefensible for different reasons. Being funded by subscriptions from the people it regulates means that it is not subject to the scrutiny of the Public Accounts Committee (which only provides a check on taxpayer-funded activity). The remit of its own regulator, the Professional Standards Authority (PSA), expressly stops short of examining corporate governance. So, how it operates and spends its money is entirely within its own gift. Its choice to pursue even the smallest cases, at whatever cost, is denied public scrutiny. Hence, its caseload grows, and its inefficiencies get worse. When the BDA challenged the GDC in the High Court in 2014, the justifications for its latest fee hike were shown to be wholly ill-founded. The regulator avoided the need to refund its ill-gotten gains on the basis

that repayment would render it nominally bankrupt. So, a moral victory for the BDA, but the GDC kept the money.

The financial and mental health issues that the GDC’s approach brings down upon dentists are massive. For years at a time, innocent dentists are left under the Sword of Damocles, while the truly serious transgressions are delayed by a congested pipeline. Patients suffer, dentists suffer, but the GDC is able to carry on. And the more flawed the regulator becomes, the more registrants must pay for the privilege of being so regulated.



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In 2024, the Parliamentary Select Committee for Health will yet again examine the sources of the access crisis. The true sources are plain to see. The sleights of hand deployed by dental commissioners have squeezed all the juice out of the system, driven down contract prices, failed to properly fund expenses and bankrupted individuals in the process. Most amazing is the fact that so many dentists continued working for the service for so long. The point where the government fails to even pretend to cover those costs is the point where dentists must decide whether to subsidise the failing system from their own pockets or to walk away.

So, are there parallels between the Post Office and the NHS and the GDC? I would contend that there are. The role of government-backed public bodies wielding force over small individuals is common to both situations. So is the public belief that those bodies will act responsibly. In the Post Office case, communities were denied valued

local services. The business owners themselves were ruined. The leadership of the public bodies prospered and advanced. And centrally this all went on when those in authority had direct knowledge of what was wrong.

Over the last 20 years, the dental regulator and the NHS commissioning machine have succeeded in creating an environment so toxic as to drive out huge swathes of potential providers; many of whom still bear the scars. They have been damaged financially, reputationally, and mentally. The result is that millions of patients have been left without

access to NHS care. So, arguably the impact of this misbehaviour is much greater than what has been acknowledged as the biggest miscarriage of justice in English legal history. Again, those in authority have had ample understanding of the source of the problem but have carried on regardless.

What will be the fall-out for the Post Office top brass? At the time of writing, there is a slightly predictable lack of contrition. It is likely that the leadership of our administrative bodies will be similarly unapologetic; yet the impact of their actions has been catastrophic. If Parliament wants to understand the origin of dental deserts, it need look no further than its own government agencies. ■

References

1. ITV. Mr Bates vs The Post Office. Available at <https://www.itv.com/watch/mr-bates-vs-the-post-office/10a0469/10a0469a0001> (accessed January 2024).

<https://doi.org/10.1038/s41415-024-7070-z>