

GREEN SHOOTS OR SLEIGHT OF HAND?

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Recent developments at the General Dental Council (GDC) are sending some quite confusing messages. Emissaries from the regulator have been busy over the last few months, hosting workshops; talking to groups; looking as if they want to hear what the profession thinks. Some recent appointments in the senior echelons of the organisation have resulted in a quite different tone in communication. Dare I say it, the newcomers genuinely sound as if they accept some of the organisation's shortcomings and seem keen to do something about them. Taken together all of these components have been giving various observers real hope that constructive changes may be taking place and that our regulator may be taking the first faltering steps on the road to recovery.

But two things have happened to overshadow any flickers of hope. The first is the formal adoption of the GDC's strategy 2016-2019 at the council meeting on 4 November 2015. It was over this that the GDC had so earnestly been demonstrating its listening skills in the workshops. Having done all that listening, the document presented for sign-off was indeed modified and there were a number of cosmetic changes. But at its centre, it retains a set of ambitions and aspirations that represent expansion both in remit and in corresponding activity and resourcing. This aspirant land grab is totally at odds with the will of parliament and with the excellently argued PSA document, *Rethinking regulation* (www.professionalstandards.org.uk). It is similarly at variance with the sensibly argued risk-led approach to regulation promulgated by England's Care Quality Commission. When all other voices are arguing for simplification,

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reduction and light touch, the GDC's strategy looks for increasing the layers, the depth and the breadth of its activities.

The BDA and others gave the GDC feedback that what it really should do is focus on what parliament says it should do. It should master its core functions and it should improve the areas where it has been shown to be weak. Our view is that these are the vital and central things to effective regulation and the other matters represent excess and distraction from the day job.

The other (and connected) matter was the 'Exceptional Consultation' over next year's Annual Retention Fee (ARF). A year on from an unlawful consultation the GDC took the decision to consult on keeping the fees the same as they were last year. The founding projections that were made last year have not materialised into fact. But the regulator made no acknowledgement of that and correspondingly made no offer to refund what must amount to overpayments collected last year. Instead it sought to justify a 'carry on regardless' approach premised upon a set of new projections and financial acrobatics. The ingredients of this year's consultation were remarkably similar to last year's. But in demonstrating 'listening mode' it asked registrants what they thought – and asked them to offer an alternative figure if they wished. The GDC gave a period of just four weeks for consultees to give their views – hardly an appropriate time frame to consider the full impact on what was being proposed, but then they say quite clearly in the consultation that a decrease of the fee did 'not appear to be possible'

The BDA sprang into action once more on behalf of its members. We

analysed the financial postulations in the consultation and also the legality of the process itself. On both counts the GDC was again shown to be seriously wanting. The essence of the justification was the desire of the GDC to amass inordinate amounts of registrants' money in its own reserves. It also factored in its own strategic aspirations as articulated in the other document. As with previous consultations the GDC presented as unavoidable things that were really choices and made very dubious justifications of its reasoning. We told the GDC that yet again it was arguably in breach of the basic legal principles of public consultation and that its justifications were flawed. The GDC has taken away our input and that of others and has said it will factor them in to its final decision over the ARF.

But the ARF is what funds the budget requirement, and the budget requirement is in part influenced by the strategic plan. So having now adopted the strategic plan with an expectation of a certain level of income haven't they just made this other consultation irrelevant? So maybe all this show of 'listening' and 'engagement' has been a bit of a parlour trick. It looks as if what the GDC has actually learnt from last year is not how to engage but how to look engaged.

The recent announcement of the imminent departure of its current Chief Executive provides the GDC with an opportunity to signal its real intent. It could appoint someone who has true and deep understanding of the UK dental landscape and who has the capability to translate that into sensible, proportionate and affordable regulation. Or it could appoint someone else...

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