

## **Horizon scanning report – March 2020**

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| <b>Type of business</b>   | To note.   |
| <b>For Council only</b>   | Public session   |
| <b>Issue</b>              | This paper provides Council with an analysis of policy developments, providing an external context to support discussions and decision-making.   |
| <b>Recommendation</b>     | To note.   |

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## 1. Developments in professional regulation

### First annual Ombudsman's Casework Report

- 1.1. On 5 March, the [Parliamentary and health Service Ombudsman published its first annual Ombudsman's Casework Report](#). The Report shows the wide range of cases the organisation concluded in 2019. As well as serious complaints about the NHS in England, the report includes cases involving UK government departments and other public services.
- 1.2. The variety of complaints in the report, from delays in receiving child maintenance payments to sea bass fishing licences, show that public service failures affect people from all walks of life. Yet complaints about government bodies account for a small proportion of the complaints brought to the Ombudsman. This is partly due to outdated legislation that prevents people from accessing the service directly, as they have to refer their complaint to an MP first.

### Consultation on the Regulation of Non-Surgical Cosmetic Procedures in Scotland

- 1.3. The Scottish Government has issued a public consultation seeking views on the introduction of licensing for [non-healthcare professionals who carry out non-surgical cosmetic procedures](#), using products such as dermal fillers or lip enhancements. The consultation is open until 30 April.

### NMC reports experiences of fitness to practise and launches new standards

- 1.4. In February 2020, the Nursing and Midwifery Council (NMC) published an independently commissioned research report; [The voice of people who use services, families and members of the public in fitness to practise proceedings](#).
- 1.5. It examined the NMC's proposal to introduce personal experience statements into their fitness to practise process. Service users, family and members of the public would be invited to tell the NMC how an incident has affected them. 125 members of the public and stakeholders from across the UK, took part in the research. The response to the proposals was largely positive from patient representatives, the public, NMC staff and registrants, although union and legal representative were more negative with concerns about its implications for nurses and midwives.
- 1.6. The NMC has also launched its new [Future Midwifery Standards in January](#). The standards set an evidence-based benchmark for the professions, creating a foundation for midwives of the future to receive a 'first-class' education and reflect the transforming environment in which midwives work.

### GPhC consultation on fees

- 1.7. The [General Pharmaceutical Council \(GPhC\) has issued a consultation](#) proposing an increase in fees for pharmacy premises from £262 to £365. The fees for pharmacists and pharmacy technicians will not be increased this year. The increase is to close the gap between the fees paid and the cost of regulation. The consultation closes on 31 March.

### Professional Standards Authority (PSA) contribution report

- 1.8. The PSA has issued a report entitled, [An overview of our work and its contribution to protecting the public](#). The report includes data summarising the work of the PSA, which states that 12,001 decisions have been scrutinised over the last three years, with 711 detailed case reviews, 111 case meetings and 31 appeals. The report also includes case studies to illustrate the PSA's function, including a GDC case that was subject to a PSA Section 29 appeal.

### PSA publishes GDC performance review

- 1.9. The PSA has published its [annual performance review of the GDC](#). For the review period, the GDC has met 22 of the 24 Standards of Good Regulation.

### Care Quality Commission (CQC) on digital triage in health services

- 1.10. The CQC has released a report entitled [Getting to the right care in the right way: digital triage in health](#). The CQC has worked with healthcare providers, service users, clinicians, technology suppliers and other statements to agree what care providers and technology suppliers need to do to ensure people receive high-quality care through these tools.

### Independent inquiry following conviction of Ian Paterson

- 1.11. The [independent inquiry into surgeon Ian Paterson's malpractice](#) has provided recommendations following his criminal conviction, including the recall of his 11,000 patients, for their treatment to be assessed. The report also recommends a public register detailing which types of operations surgeons are able to perform, allowing patients time to reflect on diagnosis and treatment, and more effective communications.

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## 2. Developments in dentistry

### GDC issues statement on providing dental care remotely

- 2.1. The GDC issued a statement on 24 February on the actions being taken with regard to [providing dental care remotely](#). Our statement notes that we are continuing to gather evidence about the potential risk of harm to patients from 'direct to consumer orthodontics' and other forms of dental care offered remotely. We have contacted providers of these services to seek clarification on the procedures they follow and how GDC registrants may be involved.
- 2.2. As part of this work, we have also reached out to competent authorities in [FEDCAR](#) (Federation of Dental Regulators) for their views on remote prescribing and to learn of action they may have taken.

### Dental Protection calls for regulatory reform

- 2.3. Dental Protection has called on the Government to reform regulation to enable improvements to fitness to practise processes. In a [briefing aimed at the new government](#) they argued that while the GDC has made some positive changes to its fitness to

practise processes, it has been held back by the confines of its 35-year old legislation, which has not kept a pace with changes in the way dentistry is practised.

### **Dental Protection report: Breaking the burnout cycle**

- 2.4. Dental Protection has issued a new report [Breaking the burnout cycle](#) and has called on the dental community to act to prevent burnout amongst dentists, so they stay in practice, rather than quit the profession. The report also quotes the findings of a survey of UK dentists, where half of all respondents indicated that they had considered leaving the profession for reasons of personal wellbeing.

### **Smiledirectclub in California**

- 2.5. Online trade publication [dentistry.co.uk has reported that the Chief Clinical Officer at Simledirectclub is at risk of losing his license](#) after a two-year dental board investigation in California. According to the report, the 'state accuses him of violating state law, defrauding state dental regulators and acting with gross negligence toward patients.' The company issued a statement rejecting the claim that the dental board had acted, calling the report as 'unfounded and untrue.' And last month, on 21 January, [The New York Times published a feature article](#) on how the company has worked to 'limit information about customer dissatisfaction.'

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## **3. Summary of media issues and coverage achieved**

### **BBC London Inside Out investigative piece on training for illegal tooth whitening**

- 3.1. BBC London broadcast a piece in February exposing training companies which offer training for illegal tooth whitening. Background information and a comment was provided to the BBC in advance of the report. The piece, and its accompanying [BBC News Online report](#), led to wide-spread discussion on national and local radio across the country and coverage in a host of nationals/mainstream publications ([Independent](#), [HuffPost](#), [The Sun](#), [The Standard](#), [The Herald](#)), consumer outlets ([Grazia](#)) and trade publications ([Dentistry](#), [The Dentist](#), [Dental Review](#) )

### **Further opinion on use of under guise investigations in FtP**

- 3.2. Following criticism aimed at the GDC late last year relating to the use of under guise in fitness to practise investigations, The Dentist Editor, Eddie MacKenzie reflects on the debate in this [reasoned piece in the January issue \(p14/15\)](#).

### **Remote orthodontics statement**

- 3.3. The GDC's updated statement on the remote provision of dental care and 'direct-to-consumer' orthodontics was reported in [Dentistry](#), [Dental Review](#) and [mddus.com](#). [The BOS](#) said they 'cautiously welcomed' the statement and the [BDA](#) welcomed the call for evidence on patient risk. We are likely to see further coverage as this develops further, and the press office has fielded enquires from national print and broadcast media.

- 3.4. In related news, The Oral Health Foundation and the British Orthodontic Society launched ‘[Safe Brace](#)’ – a website highlighting the dangers of direct-to-consumer braces and the importance of seeing a dental professional for orthodontic treatment. This was covered in [The Times](#), [Mail Online](#) and [Dentistry](#).

#### **Finest Dental closure**

- 3.5. Reports about the closure of dental corporate Finest Dental, which has left many patients out of pocket and stranded part way through treatment, have been seen from [Channel 5 News](#), [Birmingham Mail](#), [This is Money](#) and a number of local publications. This is likely to attract further coverage as situation develops, and the press office has fielded enquiries from national print and broadcast media.

#### **‘Blue on blue’ fitness to practise concerns**

- 3.6. The BDA’s Len D’Cruz penned [an opinion piece](#) in January’s British Dental Journal calling on dental professionals to cease using inappropriate FtP referrals to ‘weaponise’ professional disputes.

#### **GDC publishes Costed Corporate Plan**

- 3.7. January’s publication of the Costed Corporate Plan was covered by [mddus.com](#), [The Probe](#), Dental Review and Scottish Dental.

#### **GDC Moving Upstream conference**

- 3.8. The 2020 Moving Upstream conference saw coverage in [Dentistry](#), [Dental Review](#) and [Modern Dentist Magazine \(p56\)](#).

#### **Health regulators’ joint statement relating to Covid-19**

- 3.9. The statement, signed by the chief executives of the UK’s health regulators, was covered by [Dental Review](#) and [Dentistry](#).

#### **GDC Appoints Head of Scottish Affairs**

- 3.10. The arrival of Gordon Matheson as our new Head of Scottish Affairs was covered by [Dental Review](#) and Scottish Dental.

#### **GDC report on Rule 4 consultation**

- 3.11. The GDC’s report on its consultation about proposed changes to its Rule 4 process was covered by [Dental Review](#), [mddus.com](#) and [Dentistry](#).

#### **Fitness to practise coverage**

- 3.12. While, in line with policy, the GDC did not confirm the existence of a fitness to practise concern or investigation, [Scottish Dental](#) reported that a referral had been made in relation to two dentists working for NHS NSS Practitioners Services Division, over claims that dentists had been forced to repay fees ‘under duress’.

- 3.13. The outcome of an Interim Orders Committee hearing ([Michael Rylko](#)) was reported by [Shetland News](#) and local BBC radio.
- 3.14. A fitness to practise investigation into Jersey Orthodontist, [Bruce Skinner](#), which resulted in conditions was reported locally in [Bailiwick Express](#) and Jersey Evening Post.

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## 4. Parliamentary updates

### Cabinet reshuffle

- 4.1. The Prime Minister reshuffled the Cabinet in mid-February. There are no changes to the ministerial team at the Department of Health and Care to report. The significant changes was the Chancellor of the Exchequer with the Rt. Hon. Rishi Sunak MP taking over from the Rt. Hon Sajid Javid MP. You can find the full list of new members and those with new positions [on the BBC website](#).

### Stormont resumes

- 4.2. The devolved government of Northern Ireland has now resumed proceedings at Stormont. Upon the news, the [BDA has issued a statement, reported by The Dentist](#), calling on the newly appointed Minister of Health, [Robin Swann MLA](#), to address a number of key issues. These include addressing delays in pay uplifts, agreeing a new oral health strategy, reducing the regulatory burden by ‘moving away’ from annual RQIA inspections, and the need for some urgency around workforce planning for community dental services.

### BDA presses for inquiry into dentistry to proceed

- 4.3. Upon the election of the Rt. Hon. Jeremy Hunt MP to the position of Chair of the Health and Social Care Committee, the [BDA has issued an open letter calling on the revival of the inquiry into dentistry](#). The inquiry was opened before the General Election 2019, with over 100 organisations and individuals submitting evidence, but fell from the agenda when the parliamentary session closed.

### Number of children who have seen an NHS dentist in the last 12 months

- 4.4. The Shadow Secretary for Health and Social Care, the Rt. Hon. Jonathan Ashworth MP, asked a parliamentary question in January on the what proportion of children under the age of two, had visited an NHS dentist in the last 12 months. The response is below:

| Age   | Number of children seen by an NHS dentist | Population |
|-------|---|------------|
| 0     | 22,485                                    | 653,467    |
| 1     | 162,724                                   | 674,807    |
| 2     | 272,151                                   | 675,045    |
| Total | 457,360                                   | 2,003,319  |

## 5. Updates from previous horizon scanning report

- 5.1. Social Work England launched (correction) (Horizon scanning report, January 2020, p.1.3.). Social Work England replaces the Health and Care Professions Council for the regulation of *social workers* in England. The Health Care Professions Council (HCPC) continues to regulate a number of healthcare professions, the [full list can be found here](#). There was a phrase omitted from this item, when it was reported in January.
- 5.2. Survey of antibiotic prescribing in dentistry (update) (Horizon scanning report, January 2020, p.2.1.). Council members asked who was conducting the survey on antimicrobial prescribing. The survey is being led by Dr Noha Seoudi, Queen Mary's University London. Further information about the survey can be found on the [FGDP \(UK\) website](#).

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