Dear Ms Hillier,

Let me start by once again thanking you and the Committee for the work you have already done shining a light on millions of vulnerable people being hit by unfair dental and prescription fines. I greatly appreciated the opportunity to explain to the Committee the impact this unfair and punitive system has been having on dentists and our patients during the oral evidence session last month, and I was delighted to see you and your colleagues challenge NHS officials in such strong terms on this important issue. As you quite rightly pointed out when summing up the session, rarely have we seen the Committee this united in their concern about the effectiveness, efficiency and economy of a particular government policy.

As you might remember from our written evidence, the BDA has long been calling for the BSA to send all patients who are thought to have claimed free dental treatment incorrectly an initial letter, removing the 'presumption of guilt' and giving them an opportunity to either prove they were exempt or to pay the treatment charge within a specified period of time. We have been arguing that a system just liked this is already in place in both Scotland and Northern Ireland, where only those who don't respond to this initial letter are targeted with Penalty Charge Notices. In Scotland these initial letters generate five times more income for NHS Scotland Practitioner Counter Fraud Services than the follow-up PCNs.

My colleagues and I were, therefore, pleased to hear Sir Chris Wormald pledge during the oral evidence session that NHS England would move to a similar three-stage process in the coming months for situations when a patient's exemption status is in doubt. While this would not solve the problem of dental fines, it would constitute welcome progress as it would rightly give patients the benefit of the doubt before bringing fines into the mix. The BDA has made enquiries regarding the details and the date of the roll-out of this new process, but six weeks later we are still waiting for a response.
We were, therefore, all the more alarmed to hear the comments from Baroness Barran in a House of Lords debate on 25th July in which the Government seemed to backtrack on bringing England in line with approaches in Scotland and Northern Ireland:

“We are now introducing a three-stage process for penalty charge notices and doing so as quickly as possible. This means that, in the first communication people receive from us telling them that they have not paid when we think they should have, we will invite them to get in touch and let us know if our information is wrong. A penalty charge notice would not be issued at this stage, but would if the person either is confirmed as ineligible for free treatment or does not respond to the initial communication.”

This is of course very disappointing, as – in contrast to the systems in Scotland and Northern Ireland – this new process would do nothing to protect those patients who have made honest mistakes trying to navigate the extremely complex system for claiming free NHS care. It would also completely fail to protect patients who do not have the capacity to make declarations about their financial circumstances, e.g. those with learning disabilities or dementia.

I thought it might be useful to bring this to your attention as you and the Committee work on your report and recommendations to the Government on this issue. As you said in the oral evidence session, instead of simplifying the fines process and making it easier to navigate, the officials seem to be looking for ‘ways of tinkering with how it is applied’. What we need is a clean break with this discredited and punitive policy, and particularly proper safeguards for patients with protected characteristics. I sincerely hope that the recommendations in the upcoming PAC report on this issue will help put pressure on the Government to deliver this and end the system which is clearly not fit for purpose.

Please do let me know if I or my colleagues can be of any further help to you and the Committee as you continue your work on this issue.

Yours sincerely,

Dr Charlotte Waite
Chair
England Community Dental Services Committee
British Dental Association