URGENT

Dear Madam

INTENDED APPLICATION FOR JUDICIAL REVIEW
PRE-ACTION PROTOCOL LETTER FOR JUDICIAL REVIEW

We are instructed by the British Dental Association in this matter.

THE CLAIMANT

1. British Dental Association

REFERENCE

2. Our Reference: 1021 5325/459/25933

3. Your Reference:

THE DECISION CHALLENGED

4. This claim seeks to challenge the “Consultation On the Annual Retention Fee (ARF) Level for 2015” (the "consultation"). The consultation document for this consultation was published on 30th June 2014 and the consultation process runs until 4th September 2014.

5. The consultation is proceeding on a false basis/unlawful basis because:
(i) There is no published revised ARF policy by reference to which Consultees can make informed and intelligent responses to the suggested dramatic fee increase contained in the Consultation – an increase of 64%

(ii) the fee increase consulted is based on inaccurate and unreliable data. A request for urgent disclosure is made below of the necessary information for BDA, as a key stakeholder consultee to make informed and intelligent responses to ARF increase proposed in the consultation document.

6. Essentially it is the Claimant’s case that the Consultation document, and such materials as have been provided or are publicly available in support are inadequate and the consultation is flawed because:

   a. The GDC, notwithstanding a recent consultation, have failed to publish a clear revised policy consequent on the recent consultation\(^1\) against which the decision to increase fees may be analysed and responded to;

   b. Is unreasonable because key information and data has been omitted denying consultees the ability to make an informed and intelligent response on matters central to the consultation

And that therefore the consultation is proceeding on a false basis, without any clear policy governing the exercise of the GDC’s statutory discretion contrary to the well established ‘Gunning’ principles on fair consultation, and is liable to be quashed.

**Timing of Claim**

7. The Claimant raises this issue now, rather than after the outcome of the consultation is published and a decision made, because there is good authority to support the proposition that if the consultation is proceeding on a false or unreasonable basis, judicial review should be granted before the consultation has run its course and the outcome is confirmed. See *inter alia:* R*(Medway Council)* v. *Secretary of State for Transport* [2002] EWHC 2516 where judicial review was granted in respect of a consultation document which was ‘unreasonable and unfair’, and *R*

\(^1\) to which the BDA in June 2014 put in a detailed response, including detailed concerns as to (i) the true cost regulation if efficiencies for which the GDC is responsible were eliminated; (ii) the transparency of costs of fitness to practise activity; (iii) concerns on the operation of investigating committees (and the unnecessary referral of cases to FtP panels in the light of whistleblowing concerns; and (iv) that increases in the ARF should not be arbitrary but in line with public policy for Government bodies.
v. Secretary of State for Transport ex p. London Borough of Richmond Upon Thames (No.3)
[1995] Env. LR 409 412-3 where it was held:

‘If it is arguable that the new consultation is proceeding on a false basis which is justiciable in law, there will be every reason to lean in favour of deciding the issue sooner rather than later’

BACKGROUND

8. In November 2012 the Council of the GDC agreed to review its ARF policy as set out in a Position Paper dated 7th November 2012. That Policy, the 2010 policy had been agreed by the Council in September 2010 at the same time as a decision was taken to increase the ARF to its current level. The position paper highlighted that:-

“It is important for the GDC to develop a transparent and fair approach to setting the ARF in order to maintain the confidence of stakeholders…”

9. The Policy (or policy framework) itself is as follows:

Appendix A: Current ARF Policy Retention Fees Policy (September Council 2010)
1. The Retention Fees of the General Dental Council are set using this policy framework. When setting the fees Council will work to this guidance:
2. Each year we set the business plans and budgets for the year ahead, these determine the range of expenditure. This budgeting takes place within the framework of a five year strategic plan which sets out the strategic goals of the organisation.
3. The retention fees charged should:
   a. be used to protect the public through our services, information, advice and guidance for the public and registrants
   b. cover the costs of providing professional regulation
   c. be held within the measure of inflation over the previous year, where possible
   d. be enough to allow us to continue to perform our statutory functions in the public interest
   e. cover agreed future growth in regulatory activity and provide a contingency for managing the impact of future unexpected external events
   f. reflect the costs of regulation for the two distinct groups of registrants and the costs of maintaining the Specialist Lists and commensurate with paragraphs (a) – (e) above.
4. In setting the fee, we will aim to:
   a. minimise cross-subsidy between different services and between different registrant groups, wherever this is practicable and its identification cost effective
   b. apportion the fee fairly between the two registrant groups and the Specialist Lists
   c. review our costing models at least every five years - we seek to balance the development of our costing approach with the expense of collecting data e.g. deploying sophisticated time recording systems
5. We will not seek to provide reduced fees to particular groups as registration confers the right to practise irrespective of:
   a. Age; it is our view that the fee should cover the costs of regulating those practise dentistry therefore no age related or other discounts will be applied to the fees
   b. Working hours; it is our view that it is equitable to charge all registrants a fee whether they work part or full time

Cont’d/…..
c. whether the registrant works in private, mixed or NHS practice or is not working at the time of registration
d. where the registrant practises; the right to practise applies anywhere in the UK.

10. In December 2012 the GDC announced its Review on the setting of the ARF. It was stated that the objectives of the Review were to ensure that the policy for fee setting was:

(i) Lawful
(ii) Fair
(iii) Reflects the circumstances of GDC registrants
(iv) Administratively efficient in terms of how the GDC collects the ARF so that this does not lead to unnecessary fee increases.

11. The Council reviewed its current ARF policy throughout 2013 and concluded that the principles underlying it were sound but that stakeholders and registrants were unclear about the basis on which the GDC sets its fees and why annual fees were being charged (Item 9 Council 5 December 2013 §3-5).

12. It was proposed (and agreed) that a consultation would be held in April 2014 to ensure that there was clarity amongst registrants about the principles which the GDC applies when setting the annual fees. The principles on which the GDC sought to consult were that:

(i) Registrant groups are charged according to how much it costs the GDC to regulate them.
(ii) Payment of the annual fee provides registrants with a “right to practise”.
(iii) That the income and individual circumstances of registrants are not taken into account when determining the fee levels for individual registrants.

13. On 5th December 2013 the Council of the GDC was asked to and did agree a proposed approach to consulting on the ARF policy and fee level in April 2014. It was proposed that the Policy and Communications Directorate “will develop a consultation document on the fee policy based on the principles set out above and will run an 8 week consultation once the Council has approved the document.” That proposed timeline for consultation was as follows:-

1 April 2014 – Consultation document to Council for Approval
1 June 2014 – ARF Policy consultation closes

Cont’d/.....
18 June 2014 – Council considers and agrees ‘outcome’ and indicative fee level for 2015
19 June 2014 – Consultation on fee level for 2015 commences.
4 September 2014 – Fee level consultation closes
18 September 2014 – Council considers consultation outcome and makes fee regulations.

14. The consultation document (on the policy or principles to be applied) was duly approved by the Council on 1st April 2014. The Claimant responded to the consultation. In particular, in answer to the question 4:-

“Would you like us to provide any further information about how we spend the income from the ARF”

The Claimant answered “Yes” and said as follows:

“...the important question to the profession is whether the ARF income is spent efficiently. Comments by the Professional Standards Authority indicate that delays and cancellations of cases still occur. ...We do not understand what the true cost would be if these inefficiencies were eliminated and whether the ARF would then be significantly lower than it currently is. We also have concerns about the transparency of the costs of fitness to practise activity quoted in the consultation document.:  

160 hearings at £78,000 each equal £12,480,000 
2990 complaints received at £1,100 each equal £3,289,000 
This makes a total of £15,769,000 
The total quoted in the list of costings is £26.6m. This suggest an amount of over £10m which is currently not explained or accounted for in the document. We wish to hear how and why this discrepancy occurs...”

15. The Claimant answered “No” to question 11. “Do you agree with the approach what we intend to take to any ARF increase in the future” and suggested under Question 16 that “Increases to the ARF should be in line with public policy for government bodies. Dental professionals should not be the subject of arbitrary fee setting”.

16. The outcome to the ARF policy consultation was published on 18 June 2014. The report on outcome invited the Council to approve the ‘policy’ which was subject to consultation – albeit that no new policy had in fact been attached to the consultation: all that was consulted on generic principles or an ‘approach’.

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17. No policy was presented to the Council for approval. They were asked simply to agree the 'policy approach', which by inference was what was stated under in the ‘Proposed Action' sections of the Report on Outcome, viz.:

- To provide more detail on different aspects of the FtP process, and build into this our public reporting on how we spend fee income

- In order to ensure that the ARF policy is applied consistently across all registrant groups we will keep under review the costs of regulating different DCP groups and set the fee level accordingly.

- Ensure that our communications continue to be clear about the purpose of charging a fee and that we set the fee on the basis of how much it costs us to regulate each group

- Further consideration should be given to the feasibility of collecting the ARF of DCPs by instalments.

18. Neither was the 2010 policy attached to the June 2014 consultation report. Indeed it is now wholly unclear what it is that the minutes of the 18th June 2014 record when they say that the “The Policy" was agreed and that “a statement should be prepared for publication of the policy, of follow-up actions, of why the GDC cannot do some of the things people would like” emphasis underlined.

19. In line with the minutes, a statement was duly prepared summarising the outcome on consultation. In relevant part it said that:

*For the purposes of setting the ARF we will continue to distinguish between dentists and dental care professionals (DCPs) and treat each as a distinct registrant group. This also means that if the costs of regulating dentists or DCPs increase, the ARF will also need to increase for that group. Similarly if the costs of regulation for either dentists or DCPs come down then this will need to be reflected in the amount that we charge that registrant group.*

*If the costs of regulating the dental profession increase, this does not mean that the ARF will rise by the same amount for dentists and DCPs. As part of the budgeting process we will calculate each year the likely costs for each of our statutory functions, if we find that costs are likely to go up for any of our statutory functions we will calculate the percentage of the costs associated with dentists and DCPs and will increase the ARF levels for each group accordingly.*

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2 A reference to the 2010 policy?
In the future, we will set out how all of this has been calculated when we consult on any changes to the fee levels. We will also set out what we have done to keep the costs of regulating the profession down.

20. On 30th June 2014 the ARF consultation document on the fee level for 2015 was published.

21. The ARF fee level for 2015 consultation document contained a four bullet point ‘policy approach’ summarised as follows:

- We will calculate the ARF (for dentists and DCPs) each year according to how much each registrant group (dentists and DCPs) costs us to regulate them
- We will not take into account the individual circumstances of registrants, such as their income or the number of hours they work each week;
- When we are considering a fee increase we will always look to see if we can introduce costs savings and we will set out what measures we have taken to reduce costs
- If we do need to raise additional fee income we will examine each of our statutory functions and the DCS to determine how much we are likely to spend in relation to both dentists and DCPs in the next year. We will use this to calculate the fee level for each group.

22. This is not (as the Claimant understands it) the policy, or a revised version of the 2010 policy. At best it is a broad statement of approach based on the consultation. It remains unclear by reference to what published policy the proposed ARF level for 2015 has been proposed.

23. Assuming that it is the 2010 policy, informed by the suggested ‘Policy approach’ following consultation, then there is plainly insufficient information from the consultation document and publicly available materials for consultees to understand:

(i) how the 2015 fee relates to the different functions to which the 2010 policy says such fee is to be used viz.: to protect the public through our services, information, advice and guidance for the public and registrants
(ii) how the 2015 suggested fee increase relates to the annual cost for 2015 of providing professional regulation. The consultation document contains predictions ‘based on current trends’ – but there is, so far as we aware, no reliable current trend information
available to support the percentage increase suggested. For example, it is wholly unexplained why a 17% predicted increase in complaints over the previous year (2014) should result in an 85% increase in FTP hearings for that year compared with the previous year, or that a 13% predicted increase in hearings (2015) should result in a 116% increase in FTP hearings on the previous year. An exponential increase in FTP hearings in relation to a relatively modest increase in complaints requires full and proper explanation since the cause of the increase may be that cases are wrongly being referred to expensive FTP hearings which should be have been resolved at an early stage of the complaint process either by case examiners (the suggestion from the PSA in 2012) or the Investigating Committee.

(iii) Whether there is sufficient justification to depart from the 3(c) of the Policy which is to hold any fee increase within the measure of inflation over the previous year where possible. The Claimant says there would have to be a good reliable evidence base for departing from this clause of the Policy and there is none. We set out below in detail our request for further information.

(iv) Whether the sum is ‘sufficient’ (or in excess of that sum, in which case it would be an unnecessary increase) to “to allow [the GDC] to continue to perform [its] statutory functions in the public interest”. It is quite plain from the Policy that the ARF should be so much and no more than is sufficient to allow the GDC to continue to perform its statutory regulatory functions in the public interest. In that regard, the principles of ‘Right Touch’ regulation as promoted by the CHRE, now the PSA, are in point. Regulation should only be used when necessary. The GDC, as a regulator paid for by registrants, is not a complaints or conciliation service nor is it a public Ombudsman. It is a professional regulator which must have effective and efficient filters for discriminating between those complaints about dentists and DCPs which raise a real concern as to impairment of fitness to practise under the Dentists Act 1984, and those which do not. There is concern that ARF fees are being used for purposes outside the GDCs’ statutory functions as summarised in the ARF policy. In this regard, we note the recently published open letter to William Moyes from a group of Local Dental Committees in which it is stated:-

“The money spent on the inflammatory advertisement is refunded from the private income of those responsible for placing it. We accept that an important aspect of patient care is letting patients know how they can seek a resolution to any concerns they have. We need to be accountable and we have always accepted that.

Cont’d/…..
What we object to is that the GDC is encouraging our patients to log a formal complaint and then these issues get escalated as FTP issues. This is a waste of a resource and undermines the public's confidence in the profession - a profession working hard in a challenging environment”

(v) Whether the sum is adequate to cover ‘agreed’ future growth in regulatory activity and provide a contingency for managing the impact of future unexpected external events. The Claimant does not know from the consultation document, nor has it been published what the ‘agreed’ future growth figures are. The consultation document simply refers to estimates of future expenditure (17%) in 2015. How such increase translates into an ARF increase of 64% remains unexplained.

24. If the September 2010 document is not the policy – and the Claimant thinks it is certainly not clear – then the GDC have failed to publish a clear policy which allows consultees to understand how the ARF will be set in the context of the consultation which is ongoing.

25. On either view, the information provided in the consultation document (particularly having regard to the issues of transparency raised by the proposed Claimant in its consultation response to the ARF policy consultation), is plainly insufficient to allow consultees such as the Claimant to provide intelligent and informed response to the consultation on the dramatic fee increase proposed. To that end, a request for specific information is made. The Claimant suggests the same information is made public so that it can be accessed by all consultees.

Legal Context

24. Section 19 of the Dentists Act 1984 provides a broad statutory discretion to the GDC in respect of how it prescribes fees. It may do so by Regulations made under that section.

25. Because the statutory discretion is broad, well accepted public law principles require the GDC to have a policy as to how such discretion is exercised.

26. Moreover, any such policy must be published so that those affected by it may make relevant representations in relation to it before the decision is made, in particular if the decision is or may be adverse to the individual: see R (Lumba) v Secretary of State for the Home
Department [2012] 1 AC 245 at § 34-36 per Lord Dyson JSC. Lumba is authority for four propositions:

(i) the rule of law calls for a transparent statement by a decision maker of the circumstances in which broad statutory criteria (as here) will be exercised (§ 34);

(ii) a decision maker must follow his published policy and not some different unpublished policy unless there is good reason not to (§ 26);

(iii) persons affected by the policy (in this case dentists and DCPs have a basic public law right to have any decision to increase the ARF considered under the current published policy) (§ 35);

(iv) there is a correlative right to know what that policy is so those affected can make representations which address it.

Requirements of fair consultation

27. All public consultations must comply with the Gunning criteria R v. Brent London Borough Council ex p. Gunning (1985) 84 LGR 168 at 169. They are that:

(a) consultation must take place when the proposal is still at a formative stage

(b) sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response

(c) adequate time must be given for consideration and response; and

(d) the product of consultation must be conscientiously taken into account.

28. The application of such principles to this kind of claim for judicial review are helpfully set out in a decision of the Court of Appeal, Eisai v. NICE [2008] EWCA Civ 438, where the helpful statements in Lord Woolf’s judgment in ex parte Coughlan are repeated:

"108. … To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken ….

112. … It has to be remembered that consultation is not litigation: the consulting authority is not required to publicise every submission it receives or (absent some Cont’d/…..
statutory obligation) to disclose all its advice. **Its obligation is to let those who have a potential interest in the subject matter know in clear terms what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response.** The obligation, although it may be quite onerous, goes no further than this." (our emphasis).

29. The judgment in *Eisai* (Richards LJ) continues

26. The mere fact that information is "significant" does not mean that fairness necessarily requires its disclosure to consultees. In *Coughlan* itself, for example, it was held that there was no need to disclose to the claimant a report which had been received from a third party in response to the consultation exercise, even though that report was plainly significant. I think it better, therefore, not to follow Dobbs J’s approach of asking whether *Eisai* was "denied access to significant information". Nevertheless the degree of significance of the undisclosed material is obviously a highly material factor.

27. **What fairness requires depends on the context and the particular circumstances:** see, for example, *R v Secretary of State for Education, ex parte M* [1996] ELR 162, at pp.206-207, where Simon Brown LJ emphasised the need to avoid a mechanistic approach to the requirements of consultation. It seems to me that the various cases cited to us provide illustrations of that, without adding materially to the statements of principle in *ex parte Coughlan*.

28. For example, Mr Pannick relied on a passage in the speech of Lord Diplock in *Bushell v Secretary of State for the Environment* [1981] AC 75, at p.96, where he said that "*fairness ... also requires that the objectors should be given sufficient information about the reasons relied on by the department as justifying the draft scheme to enable them to challenge the accuracy of any facts and the validity of any arguments upon which the departmental reasons are based*." That was in the context of procedural fairness in relation to a public inquiry into draft schemes for the construction of motorways; and it is to be noted that Lord Diplock had previously observed, at p.95, that "*[w]hat is a fair procedure is to be judged ... in the light of the practical realities as to the way in which administrative decisions involving forming judgments based on technical considerations are reached*" (p.95).

30. In the light of those principles, and the background recited above, we consider that the GDC has failed to make transparent in the consultation document for the ARF fee level 2015 increase:

(a) What the policy is which governs the increase: (i.e. is it the 'policy approach', the published 2010 policy, some as yet unpublished combination of the two, or neither?)

(b) What the evidence is which justifies the proposed increase.

Cont’d/…..
31. Further the Claimant considers that the information given in the consultation document is misleading and/or unreliable and mean that the consultation is proceeding on a false basis, in particular:

**No reliable financial trend information produced**

(a) The case for an increase in the ARF is being made on the basis of a 110% increase in complaints from 2011 to 2014. During the period 2011-2013 (the last full financial year) the GDC has made a cumulative surplus of £3.9m (both 2011 and 2012 saw surpluses in excess of £2m).

(b) While the GDC made a deficit of £572,000 in 2013 and FTP costs increased by £1.8m (12%), the accounts note that all hearings from March 2013 were held in external venues due to building work on the GDC Wimpole St headquarters. Venue costs make up 10% of the average hearing costs stated on Page 8. There is simply no way of telling from the accounts or consultation whether these temporary increase in venue costs represent the majority of the overall increase (and whether the average cost in the consultation has therefore been overstated). Staffing did increase in this area but in large part this appears to be the result of bringing legal preparation for FTP hearings in-house. The dislocation from this work could also have impacted on other parts of the organisation increasing costs across the board. This makes it difficult to justify a significant increase in ARF on the basis of financial trends from 2011-2013. In this regard we note that FTP costs fell by £100k from 2011 – 2012.

(c) The 2013 annual report stated that the GDC expected the increase in complaints to plateau in 2014. Before the 2014 financial year is complete the GDC has now projected a 25% increase from 2013 to 2015. Yet there are no projected complaints for 2016 and 2017 provided, nor is there any evidential support for the claim that the financial impact of these two years is a £27m “funding gap” (Table 3 page 10). Based on the expenditure figures on Table 3 this assumes a further 5% increase in complaints from 2015 to 2017. There is no evidential basis or justification for these assumptions, nor for the asserted trends as set out in the consultation document.

(d) All of the projected increases appear to be based on unpublished, incomplete and unaudited figures for 2014. They are not supported by any financial trend information either from previous years or figures from the management accounts in 2014 – which of course have not been provided.

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Unrealistic overestimates

(e) The FTP average cost set out on page 8 appears unrealistic based on publicly available information. It states an average hearing of four days at £19,000 per day. In fact the 2013 accounts state 1,066 hearing days were scheduled in the year. Based on these figures the costs should be c.£20.8m. They were actually £5.7m. Applying the average cost to the number of hearings forecast for 2015 on page 9 of the consultation document gives an overall FTP cost of £49.8m, £4m higher than the £45.8m is estimated to be total income generated by the fee increases in 2015.

(f) Table 1 on Page 8 shows expenditure for 2010. It is inconsistent with the figure given in the GDC’s statutory accounts whether in total or by category. The consultation document shows total expenditure as £24.8m with FTP representing £20.8m. The accounts show total expenditure to be £26.8m, of which FTP represents £12.7m. Apportioning overheads on expenditure increases this to only £16.6m. A very substantial shortfall on the figure contained in the consultation document.

Apparent basic accounting errors in financial information presented

(g) Table 1 (page 8) – 2010 expenditure does not reconcile to the statutory accounts.

(h) Table 3 (page 10) – Total income projections from 2014 onwards are lower than total income for 2013 (£33.4m including investment income, £32.8m excluding investments) and 2012 (£33m including investments £32.2 without))

32. In the light of what the Claimant says above, and subject to a satisfactory response to this pre-action letter, the Claimant intends to challenge the consultation on the following grounds:-

Ground 1: No transparent policy setting out the circumstances in which the broad statutory power in s.19 of the Dentists Act will be exercised.

33. The GDC has failed to make clear the policy on which it is basing its fee increase. No such policy is attached to the consultation document, no policy has been produced following the consultation, the broad ‘policy approach’ indicated in the consultation document cannot be the policy itself, and if the relevant policy is the September 2010 policy, then the consultation document fails to provide sufficient information which allows consultees properly to address the matters which are relevant to the exercise of the GDC’s discretion to increase the fee. See Lumba supra.

Cont’d/.....
Ground 2: Failure to provide sufficient information to allow consultees to make an intelligent and informed response.

34. The GDC has failed to disclose information sufficient to allow consultees to make an informed and intelligent response to the proposed increase by reference to a clear published policy. A detailed request for information is attached to this letter. See Coughlan and Eisai supra.

Ground 3: Consultation document misleading/based on unreliable information.

35. The GDC has promulgated its consultation on the fee level increase on a false basis, namely (i) no published policy guiding the discretion; and (ii) no adequate information to allow consultees to understand the unreliable un-evidenced predictions contained in the consultation document—see R v. Secretary of State for Transport ex p. London Borough of Richmond Upon Thames (No.3) [1995] Env. LR 409.

Details of action that you are expected to take

36. You are expected by 4pm on 8th August:
   (a) Confirm that consultation and consultation document will be withdrawn, and any new consultation on the fee increase proceed on the basis of a published policy
   (b) Confirm that the Council will publish or make plain to consultees what published policy is guiding the discretion to raise the ARF
   (c) Confirm that the Council will publish sufficient detailed information (we enclose a request) prior to the commencement of the renewed consultation.

37. If you do not so confirm nor provide adequate reasons for not doing so, it is our intention to issue an urgent claim for judicial review and seek by way of remedy a quashing of the consultation on the basis the consultation is proceeding on a false, unreasonable and unfair basis on the grounds we have outlined above.

Details of the legal advisers dealing with this claim

38. Hempsons, Solicitors for the Claimant.

Details of further information sought

39. The Claimant makes the following request for disclosure in the context of these intended judicial review proceedings. Please also treat the same as an application for a Freedom of Information Cont’d/.....
request under the provisions of the Freedom of Information Act 2000. The request is urgent as the consultation is ongoing, and for reasons set out above the Claimant, a key consultee on behalf of its members, is unable to make an intelligent and informed response to the consultation without disclosure of the information set out below. The information sought is:-

A. Financial / operational costs and planning forecasting and expenditure analysis

(ii) Reconciliation of cost per case average to statutory accounts costs, 2010 – 2013
(iii) Management accounting calculations in determining cost per case as forecast.
(iv) Management accounting forecast calculations used in creating forecast costs.
(v) Cost of livings awards 2010 -2013
(vi) Copy of reserves policy and (if separate) treasury policy
(vii) Copy of policy towards pension fund surplus
(viii) Full breakdown of staff by salary band 2010- 2013
(ix) Operational evaluations of reasons for higher than previous conversion rates from complaints to FTP cases.
(x) Reasoning behind projected Complaints and FTP cases and any change in conversion rates.
(xi) Internal evaluation of efficiency of case management
(xii) Costs of external legal advice’ compared to the costs of employing full time in-house prosecution team.
(xiii) A full analysis of the savings that are claimed to be achieved specifically by the s60 reforms.
(xiv) A detailed explanation of how the GDC will ensure that consensual disposal achieves cost savings.

B. Statistical information relating to growth in costs associated with investigations and fitness to practise

(i) Number of total complaints each year since 2000, separated into dentists and DCPs
(ii) Number of complaints that were closed immediately without further action each year, separated into dentists and DCPs
(iii) Number of complaints that were closed with a warning each year at this stage, separated into dentists and DCPs
(iv) Number of complaints that went to Investigating Committee each year, separated into dentists and DCPs
(v) Number of cancelled FTP and IC hearings in the past three years.

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Address for reply and service of Court Documents

40. Hempsons, Hempsons House, 40 Villiers Street, London, WC2N 6NJ.

Proposed Reply by Date

41. Since the Consultation process is ongoing, and the Claimant’s claim is that that process is unlawful, this letter requires your most urgent consideration and we ask for a response by 8th August 2014

42. In the event that a formal reply is not received by no later than 14 days from the date of this letter it is our intention to issue an application for judicial review and injunctive relief without further notice.

Please acknowledge safe receipt of this letter.

Yours faithfully

HEMPSONS

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