

HEALTH OVERVIEW AND SCRUTINY COMMITTEE: 1 NOVEMBER 2023**INTERMEDIATE MINOR ORAL SURGERY****REPORT OF THE LEICESTERSHIRE AND RUTLAND LOCAL DENTAL COMMITTEE****Purpose of report**

1. The purpose of this report is to make the Health Overview and Scrutiny Committee aware of the dental profession's concerns about the discontinued recommissioning process for Intermediate Minor Oral Surgery (IMOS) in Leicestershire and the risks associated with a rerun of the tendering process. The Committee is asked to listen, consider and respond as it feels appropriate. This could include raising concerns with the commissioners (the Integrated Care Board (ICB) and NHS England).

Policy Framework and Previous Decisions

2. Intermediate Minor Oral Surgery (IMOS) has been a referral service for over 16 years and is provided within a community setting. The service provides specialist treatment e.g. complex dental extractions by a clinician with enhanced skills and experience that is either on the oral surgery specialist list or accredited in line with national guidance. Treatment may be provided under local anaesthetic and the clinician may use quality behavioural management techniques or provide treatment under conscious sedation where appropriate for minor oral surgery procedures. Once the one-off treatment has been completed, the patient is then returned to the referring General Dental Practitioner.
3. From 1 April 2023, the ICBs have been responsible for commissioning NHS Dental Services e.g. primary, community and secondary care to meet the local population needs.
4. The East Midlands Minor Oral Surgery Needs Assessment was refreshed in December 2021 to support with developing commissioning intentions to meet population need.
5. A Midlands IMOS service specification has been developed in line with the NHS England Oral Surgery Commissioning Guide to standardise the service model, payments and reduce inequalities in access/treatment under conscious sedation, where appropriate. Approval was obtained to enable new Personal Dental Services Agreement with a contracting term of 10 years (7 years with the option to extend for a further 3 years).
6. The IMOS procurement process was published on 25 August 2022 following market engagement webinar and due to the large scale of the procurement exercise being undertaken, bidders would be notified of the outcome in May 2023. The new contracts to commence on 1 December 2023 following a 6-month mobilisation period. All bids were assessed to determine they were compliant e.g. all sections

have been completed to enable them to pass through to the evaluation phase. As part of the evaluation, bids were required to pass mandatory questions and meet a quality threshold of 60% and the bidder with the highest score for each individual lot who met this criteria would be identified as the preferred bidder.

7. The commissioners have said that the general quality of bids was poor with a surprisingly high level of bids which failed at various gateway stages of the process. They have taken the decision to abandon the procurement in its entirety and not to award any contracts.
8. Bidders were notified of the outcome of the procurement process on 30 August 2023 and assurance has been given that the strategic need to recommission IMOS services across the East Midlands has not diminished or changed.

Background

9. Due to the outcome of the previous procurement exercise, the commissioner has agreed to extend existing IMOS services across the Leicestershire and Rutland for an initial period of 1 year and then up to 2 years in 6-month intervals, if required, to maintain patient access to the specialist tier 2 IMOS service. This will enable the commissioners to use lessons learned from this process to engage in pre-procurement market engagement activities to support potential providers, in order to support and educate on the tendering process in a way that the commissioners hope will significantly increase the quality of bids received. The commissioner is planning to launch a second procurement exercise in November 2023.
10. The dental profession is concerned that without recognition and correction of flaws within the procurement process and the design it is likely that the outcome of any further process will result in bidders again failing to meet the requirements of the procurement. We also believe that as currently designed this procurement will reduce access for to Intermediate Minor Oral surgery services for residents within Leicestershire & Rutland, with the four existing sites being reduced to one.

Proposals/Options

11. The commissioners plan to rerun the procurement, starting in November 2023, prior to this they are running two webinars in October 2023 support and educate potential bidders on the tendering process.
12. The LDC would like to see: -
 - a further pause before any new procurement.
 - reevaluation of the lot design.
 - A review of the process document.
 - more time given to bidders to complete the procurement.
 - a cost analysis of the costs involved to providers in delivering the service.

Consultation

13. A professional and public consultation was held by NHS England prior to the original procurement.

Resource Implications

14. NHS dentistry in England is funded by a combination of payments from NHS England and NHS Improvement (via the NHS Business Services Authority) and patient charges. Some groups of patients are entitled to free dental treatment.
15. Currently providers are paid £174 for a typical case, a fee which has remained unchanged since 2012. This will be reduced to £141.42 under the new contracts.

Timetable for Decisions

16. A rerun of the procurement is due to commence on 1st December 2023.

Conclusions

17. Multiple concerns were raised by the dental profession in December 2021 about the design of this procurement. Whilst some additional lots were introduced the procurement otherwise went ahead as originally planned, in August 2022. Contracts were due to be awarded in May 2023. The award was postponed several times, and the process was discontinued in August 2023. The stated reason is that the general quality of bids was poor with a surprisingly high level of bids which failed at various gateway stages of the process.
18. The commissioners plan to repeat the procurement later this year. The dental profession is concerned that all blame for the outcome is being directed at the bidders, with no recognition of the flaws within the procurement process. We are also concerned that without radical change to the design of the procurement outcomes will remain unchanged.

Appendices

Appendix A – NHS Brief for Health and Wellbeing Board

Appendix B – Letter to current providers

Appendix C – Public Consultation report

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