

HEALTH OVERVIEW AND SCRUTINY COMMITTEE: 1 NOVEMBER 2023

INTERMEDIATE MINOR ORAL SURGERY SERVICES

REPORT OF THE LEICESTER, LEICESTERSHIRE AND RUTLAND INTEGRATED CARE BOARD

Purpose of report

1. The purpose of this report is to provide information on the 2022/23 East Midlands Intermediate Minor Oral Surgery Services procurement process outcome and next steps to recommission services.

Policy Framework and Previous Decisions

2. Key stakeholder briefings on the commissioning intentions have been shared for information.
3. The East Midlands Intermediate Minor Oral Surgery Procurement process complied with Public Contract Regulations 2015.
4. The service was developed in line with NHS England's Oral Surgery Commissioning Guide, 2015, Commissioning Dental Services: Services Standards for Conscious Sedation in a primary care setting and Society for the Advancement of Anaesthesia in Dentistry (SAAD) standards.
5. Intermediate Minor Oral Surgery performers are required to adhere to NHS England's Level 2 Accreditation commissioning guidance.

Background

6. NHS England was responsible for commissioning of NHS Dental Services until the end of March 2023. Since 1 April 2023, the East Midlands Integrated Care Boards (ICBs) have taken on the responsibility for commissioning NHS Dental Services e.g., primary, community and secondary care to meet the local population needs as part of delegation arrangements.
7. Intermediate Minor Oral Surgery (IMOS) is 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 specialist treatment has been completed, the patient is then returned to the referring General Dental Practitioner.

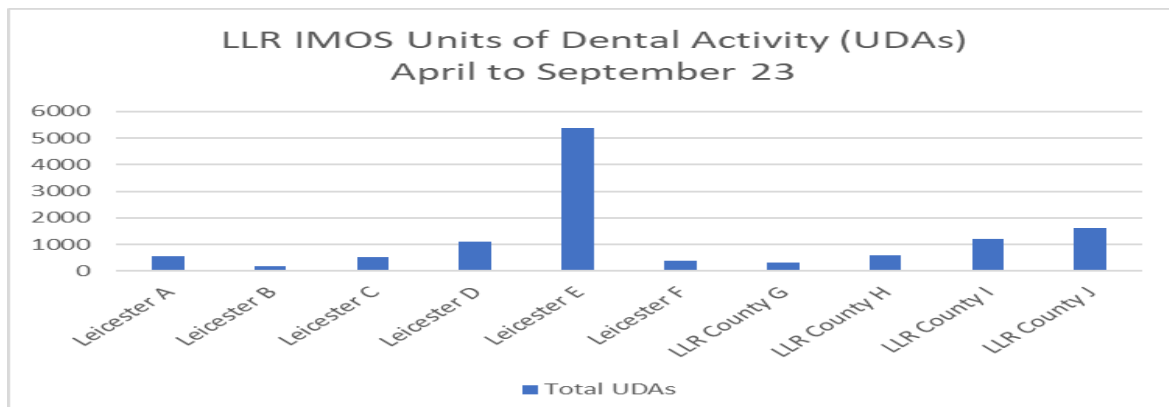
8. The IMOS contracts are commissioned using a Personal Dental Services (PDS) Agreement, the earliest of which commenced in 2008/09 and was due to expire at the end of November 2023. The existing contractual agreements have no Units of Dental Activity (UDA) contracted activity nor financial value. Financial payments are made in arrears based on claims submitted for cost per case for either assessment, assessment and treatment or assessment, treatment and sedation (where commissioned).
9. Due to historic contracting arrangements, the service arrangements are on different contracting terms and payments rates across the East Midlands. Within the existing contracting arrangements treatment may be provided under conscious sedation in Derbyshire and Nottinghamshire. However, there is limited access in Lincolnshire/ Northamptonshire and no access in Leicester, Leicestershire and Rutland. In 2019/20, the East Midlands service accepted approximately 37,000 referrals and treated 33,000 patients.

Current Service Provision

10. There are currently 36 IMOS providers across the East Midlands area which cover Northamptonshire, Leicester, Leicestershire and Rutland (LLR), Lincolnshire, Derbyshire and Nottinghamshire. Within LLR there are 10 providers, as shown in the table below.

Area	Existing Locations
Leicester, Leicestershire and Rutland	Leicester x 6 Coalville Hinckley Loughborough Market Harborough

11. However, the majority of activity is being delivered by one provider within Leicester, resulting in patients travelling into the centre of Leicester to access specialist one-off IMOS treatment. Within the existing arrangements there is no shared agreement for patients to flow between different ICB areas. The chart below sets out the LLR IMOS Units of Dental Activity (UDAs) April to September 2023 summary.



12. All IMOS PDS Agreements have been extended until end of November 2024, with the option to extend for a further 6 months plus 6 months, if required to maintain access to specialist services whilst new services are recommissioned. We can confirm all existing IMOS providers across LLR have accepted and returned the signed Contract Variation.
13. There are currently 1,274 patients on the IMOS pathway for LLR and 536 patients waiting over 6 weeks to access treatment. The LLR ICB have supported a non-recurrent investment scheme to address the waiting list backlog. The waiting list position is being monitored on a monthly basis and this is reducing month on month.

Intermediate Minor Oral Surgery Health Needs Assessment

14. An East Midlands Intermediate Minor Oral Surgery Health Needs Assessment was refreshed to support with developing proposed commissioning intentions for formal consultation. The needs assessment is based on addressing and meeting local health needs and was published in February 2022. Analysis was undertaken utilising a wide breadth of data fields e.g.:
 - Population;
 - Deprivation;
 - General and Oral Health;
 - Ethnicity;
 - Fluoridation;
 - Current service; travel, clinical activity and remuneration;
 - Stakeholder feedback.
15. The Commissioning intentions considered the following recommendations:
 - The locations of IMOS services should be aligned to population oral health need, with resources targeted at the areas where need is greatest, as a means of reducing oral health inequalities.
 - All IMOS services should offer a full range of Level 2 Oral Surgery procedures and conscious sedation.
 - All IMOS services should have sufficient levels of clinical activity to ensure they are clinically, logistically and financially viable.
 - All IMOS services should have scope to support workforce development, including the attainment and maintenance of competency in oral surgery and conscious sedation.
 - All IMOS services should have robust quality assurance and quality improvement measures in place.

Contracting Arrangements and Service Model

16. A Midlands IMOS service specification has been developed in line with NHS England's Oral Surgery Commissioning Guide to standardise the service model, payments and reduce inequalities in access/treatment under conscious sedation, age criteria.
17. The new services will include key performance indicators and will have an annual contract value, subject to the Doctors and Dentists Remuneration Board (DDRB)

uplift and an annual activity target. The East Midlands ICBs have agreed that patients can flow across ICB borders.

18. 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) to provide stability for patients and providers.
19. The standardised price was benchmarked across the Midlands and other regions to determine the Midlands IMOS rates, that demonstrates value for money. IMOS services have been successfully commissioned in the West Midlands at the standardised rate and similar or lower rates have been adopted to commission IMOS services elsewhere in England.
20. The table below sets out the IMOS new locations, which are based on the Minor Oral Surgery Needs Assessment and feedback received from engagement and consultation processes:

Area	New Locations
Leicester, Leicestershire and Rutland	Leicester North West Leicester East Leicester South Coalville

2022/23 Procurement Outcome

21. The IMOS procurement process was published on 25 August 2022, following a market engagement webinar and due to the large scale of the procurement exercise being undertaken, bidders were told they would be notified of the outcome in May 2023. This was to enable sufficient time for bids to be evaluated. The new contracts were due to commence on 1 December 2023, following a 6-month mobilisation period. All bids were assessed to determine their compliance 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 criterion would be identified as the preferred bidder. A project group of Subject Matter Experts evaluated the bids.
22. Bidders were advised of delays regarding publishing the outcome notification to enable this to be considered by the new ICB governance process following delegation of commissioning responsibility from NHS England to ICBs.
23. On 30 August 2023, the IMOS procurement process outcome was published to the dental market explaining that the Commissioners had decided they would be abandoning the procurement in its entirety.
24. There was sufficient interest shown across all 17 Lots, however, upon evaluating submissions the general quality was poor with a surprisingly high level of bids which failed various gateway stages of the process.
25. After considering the process undertaken very carefully and after receiving legal advice, the Commissioners took the decision to abandon the procurement in its entirety and not to award any contracts in respect of the 17 lots on the basis to

commission any of these IMOS services on a piecemeal basis and to continue with this procurement would result in an workable and unmanageable mixed economy of old and new service models, which would negatively affect equity of access for patients and increase budget pressures. The notification published complied with the duty set out in Regulation 55 of the Public Contract Regulations 2015.

26. Assurance has been given that the strategic need to recommission IMOS services across the East Midlands has not diminished or changed.

Proposals/Options

27. Due to the outcome of the procurement exercise, it has been agreed to extend existing IMOS services across the East Midlands for an initial period of 1 year with the option to extend for 6 months plus 6 months, if required, to maintain patient access to the specialist tier 2 IMOS services. 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. A second procurement exercise in Autumn 2023 is being planned.
28. Two market engagement events have been held on 12 and 19 October 2023 to provide support to the dental market on how they can improve the quality of their bid submissions. These have covered the five high level themes to support improving the quality of bid submissions, which were:
- Financial standing;
 - Premises;
 - Information governance;
 - Core questions;
 - Not responding to clarification question within the given deadline.
29. These have been recorded so these can be uploaded onto an ICB platform to enable the dental market to access. A financial self-assessment tool has been developed to support potential bidders to complete to identify if they would meet the financial standing required prior to bid submission. A questions and answer document will be collated and shared with the dental market along with the presentation slides and the example self-assessment tool.
30. Additional feedback has been obtained from discussion with the Local Dental Committees to support improving the process to support the dental market and this is being considered when finalising the procurement timeline and process.
31. As part of preparing for the next procurement process, we are undertaking the following:
- The timeline is being reviewed and will take on board feedback from the dental profession to enable bidders additional time to develop their tender submission. However, we cannot delay commencing procurement process, as we need to enable sufficient time to undertake the East Midlands wide procurement process and enable preferred bidders 6 months to mobilise services to secure future services to meet the population needs, address

- inequalities in access to treatment due to varying age criteria and treatment under conscious sedation, whilst also demonstrating value for money.
- A Project Group will refresh the invitation to tender documentation, taking on board lessons learned to continually improve tender processes. Within the published documentation a tailored financial self-assessment tool will be included to enable bidders to assess whether they would meet the financial standing criteria prior to submission, along with high level price benchmarking information.
- A further market engagement event detailing the commissioning intentions, lotting and procurement timeline will be advertised prior to launching the new procurement process.

Consultation/Patient and Public Involvement

32. As part of the pre procurement planning, a two-stage engagement and consultation process was undertaken to seek views and feedback from patients, public, dental profession and key stakeholders.
33. A four-week patient, public and dental profession engagement process was undertaken in May/June 21. Approximately 5,000 patients across the East Midlands who had received treatment under the IMOS pathway were contacted to complete the online engagement survey. Communications were sent to Healthwatch, Local Authorities and other voluntary organisations requesting their support to promote the public engagement and all East Midlands dental providers, Oral Surgery Managed Clinical Network, IMOS providers received communications regarding the engagement survey.
34. A public consultation was undertaken to capture feedback on the proposal for the new services, forming the second stage of the process. The consultation ran from 23 November 2021 for 4 weeks, with responses to the questions submitted via a dedicated online portal. The information and questions were also available in alternative formats on request.
35. The public consultation was promoted via the following channels:
 - NHS England and NHS Improvement consultation website;
 - NHS England and NHS Improvement consultation App;
 - NHS England and NHS Improvement Twitter feed;
 - Patients referred to an IMOS service in Leicester, Leicestershire and Rutland; 20% of recently referred patients were invited to participate using the contact details associated with their referral. This was deemed a sufficient proportion of patients to constitute a representative sample;
 - Primary care dental bulletin;
 - Local Dental Network bulletin;
 - E-mail to dental professionals, with QR code links to the public consultation;
 - Dental professional webinar;
 - Engagement sessions for Integrated Care System and Clinical Commissioning Group representatives.

36. In addition, a number of stakeholders also cascaded the details of the consultation to maximise its reach. A follow up webinar in March 2022 was delivered to the dental profession to provide feedback on the consultation process and advise on proposed commissioning intentions.
37. The feedback received supported a reduction in the current number of IMOS services in Leicester and this was viewed as prudent, along with considering access for patients across the county and patients close to ICB borders preference, is to seek services in neighbouring ICB areas. As a result, the proposed one central location within Leicester was revised following consideration of the engagement and consultation feedback. The commissioning intentions determined 4 locations, 3 within Leicester and 1 based in Coalville. The locations have been determined using a public health algorithm to ensure these are in areas of greatest need, within a reasonable travel distance for LLR patients, sufficient activity to enable performers to maintain their clinical competencies and demonstrating value for money. The engagement and consultation processes confirmed that patients are willing to travel a reasonable distance to access specialist one-off treatment. A link to the published engagement and consultation documentation is included in the background papers section of the report.

Resources

38. Existing contract arrangements have been extended on existing terms and conditions.
39. The proposed annual agreement value for each Lot will be based on the standard price per Unit of Dental Activity (UDA) multiplied by the number of UDAs being commissioned for that Lot.
40. The benchmarked Price (based on 2022/23) is as follows:

Type of Treatment	Price £	Unit of Dental Activity (UDA)
Assessment only	49.38	1
Assessment and treatment	148.14	3
Assessment and treatment under conscious sedation	312.78	3

41. The pricing shown will be adjusted to reflect the Doctors' and Dentists' Review Body (DDRB) Uplifts.

42. The proposed Lotting details, developed from evidence-based needs assessment for LLR are:

Lot Details	Lot 9 Leicester North West	Lot 10 Leicester East	Lot 11 Leicester South	Lot 12 Coalville
Total number of UDAs per annum	8,413	7,346	8,668	3,715
Number of Patients for Conscious Sedation per annum	137	120	141	60
Maximum income per annum (£)	£437,989.62	£382,502.28	£451,240.08	£193,325.10

Conclusion

43. Due to the outcome of the 2022/23 East Midlands IMOS procurement process to abandon due to poor quality bids, services have been extended to ensure access is maintained for patients across the East Midlands. To support the dental market to improve the quality of bid submission, education market engagement events have been held. The presentation slides and finance self-assessment tool example have been shared and recordings of the sessions will be uploaded to enable the dental profession to review. Procurement plans are being developed to enable this to be rerun from Autumn 2023. The invite to tender documentation will be refreshed taking on board lessons learned, and additional feedback received from the dental profession regarding additional time to develop bids and sharing price benchmarking. The Commissioner will regularly update key stakeholders on procurement plans and outcome.

Background Papers

Intermediate Minor Oral Surgery Health Needs Assessment:

<https://www.england.nhs.uk/midlands/wp-content/uploads/sites/46/2022/03/East-Midlands-Intermediate-Minor-Oral-Surgery-Needs-Assessment-2022.pdf>

Intermediate Minor Oral Surgery Engagement and Consultation Reports:

<https://www.england.nhs.uk/midlands/information-for-professionals/dental-care-in-the-midlands/east-midlands-imos-public-consultation-reports/>

Equality Implications

44. An Equality Health Quality Impact Assessment was completed as part of the pre-procurement planning process. Due consideration has been undertaken as part of developing commissioning intentions. This will be revisited and refreshed where required prior to relaunching the procurement process.

Human Rights Implications

45. There are no human rights implications arising from this report.

Other Relevant Impact Assessments**Health Implications**

46. As part of the pre-procurement planning process an Equality Health Quality Impact Assessment was completed.

Partnership Working and associated issues

47. The proposed recommissioning of IMOS services is across the East Midlands and will provide regular updates to key stakeholders.

Risk Assessment

48. Identified risks and mitigations will be monitored as part of the recommissioning of services.

Officer to Contact

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