

Orthodontics  
second  
assessment  
appeals policy



# Orthodontics second assessment appeals policy

## *Policy & Corporate Procedures*

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**NHS England INFORMATION READER BOX**

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Medical	<b>Operations</b>	Patients and Information
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<b>Document Purpose</b>	Guidance
<b>Document Name</b>	Orthodontics Appeals Process
<b>Author</b>	NHS England
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<b>Target Audience</b>	All NHS England Employees

**Additional Circulation List**

<b>Description</b>	The Orthodontics appeals process sets out the steps that an Area Team and an orthodontic provider should follow in the event where a patient disputes where the GDP or orthodontic provider is not in support of orthodontic treatment.
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**Cross Reference**

**Superseded Docs**  
(if applicable)

<b>Action Required</b>	For Area Teams to implement and action.
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**Timing / Deadlines**  
(if applicable)

<b>Contact Details for further information</b>	Primary Care Commissioning Team 1N04 Quarry House Leeds england.primarycareops@nhs.net
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1	<p><b>Introduction</b></p> <p>From 1 April 2013, the NHS Commissioning Board adopted the name NHS England, a name that gives people a greater sense of our role, scope and ambitions - as the organisation responsible for allocating the NHS budget, working to improve outcomes for people in England and ensuring high quality care for all, now and for future generations.</p> <p>Our legal name remains the NHS Commissioning Board as set out in our establishment orders. While the NHS Commissioning Board will be known as NHS England in everything that we do, there are times when the statutory name is required for legal and contractual transactions. The following list provides some key examples of legal documentation which requires us to use our full legal name:</p> <ul style="list-style-type: none"> <li>• Human resources contract of employment;</li> <li>• Any documentation involving a court of law, eg litigation claims</li> <li>• Contracts for directly commissioned services.</li> </ul> <p>For ease of reference NHS England is the generic term used throughout this policy.</p>
2	<p><b>Policy statement</b></p> <p>NHS England is responsible for planning, securing and monitoring services commissioned by them in respect of primary care, offender health, and military health and specialised commissioning.</p> <p>This document forms part of a suite of policies and procedures to support NHS England with its direct commissioning responsibilities in relation to primary care. The suite of documents will form NHS England's single operating policy. This particular policy relates to orthodontic appeals. The policies and procedures underpin NHS England's commitment to a single operating model for primary care – a “do once” right approach intended to ensure consistency and eliminate duplication of effort in the management of the four primary care contractor groups from 1 April 2013.</p> <p>The development process for the document reflects the principles set out in Securing excellence in commissioning primary care, including the intention to build on the established good practice of predecessor organisations.</p> <p>Primary care professional bodies, representatives of patients and the public and other stakeholders were involved in the production of these documents. NHS England is grateful to all those who gave up their time to read and comment on the drafts.</p> <p>The authors and reviewers of these documents were asked to keep the</p>

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	<p>following principles in mind:</p> <ul style="list-style-type: none"> <li>• Wherever possible to enable improvement of primary care</li> <li>• To balance consistency and local flexibility</li> <li>• Alignment with policy and compliance with legislation</li> <li>• Compliance with the Equality Act 2010</li> <li>• A realistic balance between attention to detail and practical application</li> <li>• A reasonable, proportionate and consistent approach across the four primary care contractor groups.</li> </ul> <p>This suite of documents will be refined in light of feedback from users.</p>
3	<p>It is the policy of NHS England that all refusals for orthodontic treatment where a patient does not meet the relevant eligibility requirements should be managed through the NHS England individual funding request (IFR) process. However, area teams will use this policy where a patient requests a second opinion because their index of orthodontic treatment need (IOTN) score on assessment is borderline for meeting the requirements of a score of 3.6 and a second opinion would be appropriate.</p>
4	<p><b>Scope</b></p> <p>Officers of the following NHS England areas are within the scope of this document:</p> <ul style="list-style-type: none"> <li>• NHS England: <ul style="list-style-type: none"> <li>• National Teams;</li> <li>• Regional Teams; and</li> <li>• Area teams</li> </ul> </li> <li>• All Commissioning Support Units;</li> <li>• NHS Leadership Academy;</li> <li>• NHS Improving Quality;</li> <li>• NHS Sustainable Development Unit;</li> <li>• Strategic Clinical Networks; and</li> <li>• Clinical Senates.</li> </ul>
5	<p><b>Roles and responsibilities</b></p> <p>To decide on second assessment requests, a panel will be set up to decide each case. The panel will include:</p> <ul style="list-style-type: none"> <li>• A representative clinician identified by the medical directorate</li> <li>• A representative commissioner from the commissioning directorate with delegated authority of the director of commissioning (who will act as secretary to the panel)</li> </ul>

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6	<p><b>The area team must:</b> Advise all of its general dental and orthodontic contractors of the procedure that is required by NHS England and inform them if the policy is amended.</p> <p><b>The contractor must:</b></p> <ul style="list-style-type: none"> <li>• Ensure that it adheres to the request process and meets any requirements and timeframes specified within it</li> <li>• Explain the process to patients and refer them to the area team if they dispute a decision regarding access to NHS orthodontic treatment.</li> </ul>
	<b>Corporate level procedures</b>
7	NHS England central and regional teams will use this policy for any audit purpose or where a challenge from a contractor arises from the implementation of this policy.
	<b>Distribution and implementation</b>
8	This document will be made available to all staff via the NHS England website
9	Notification of this document will be included in the all staff email bulletin.
10	A training needs analysis will be undertaken with staff affected by this document.
11	Based on the findings of that analysis appropriate training will be provided to staff as required.
	<b>Monitoring</b>
12	Compliance with this policy will be monitored via the primary care oversight group, <i>together with independent reviews by internal and external audit on a periodic basis.</i>
13	The Primary care policy ratification a formal sub-group of the primary care oversight group will have responsibility for reviewing and updating the policy. <i>The document should be reviewed in 24 months unless guidance or legislation requires an earlier review.</i>
	<b>Equality impact assessment</b>
14	Equality and diversity are at the heart of NHS England's values. Throughout the development of the policies and processes cited in this document, we have given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited in under the Equality Act 2010) and those who do not share it.

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15	As part of its development this document and its impact on equality has been analysed and no major impact has been identified.
16	<b>References</b>
	GDS Regulations 2005 PDS Regulation 2005 The Dentist Act 1984 The Dentist Act 1984 (Amendment Order) 2005 The National Health Service (England) Performers Lists Regulations 2013 NHS Act 2006 Health and Social Care Act 2012

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### Scope of policy

1. Where a patient has been refused orthodontic treatment and has appealed this decision, the appeal should be managed via the NHS England individual funding request (IFR) process which is available to area teams on NHS England's intranet and the internet.
2. The exception to this is where a patient's IOTN and treatment need on assessment is borderline and the patient or dentist believe a second assessment is required to confirm the IOTN. It is unlikely that there will be many second assessment requests and the majority of appeals will be handled through the IFR.
3. A borderline request is deemed to be an IOTN of 3 where the aesthetic component (ac) is between 1- 5

### Process to manage a request for second assessment to confirm IOTN

4. Where a patient has received an initial assessment for orthodontic treatment which results in a borderline result, the patient or dentist can request a second assessment to confirm the initial result of the IOTN.
5. In these instances the contractor is required to signpost the patient to the person identified within the area team who deals with the request process or can make a request on behalf of the patient.
6. Requests for second assessments can only be made using the proforma in annex 2. It is the responsibility of the dentist to provide the information needed by the area team. The request will not be processed unless all the information required has been provided.
7. The proforma will be sent to the area team
8. On receipt of the completed proforma, the area team will convene a panel within three months, to determine whether a second assessment is required based on the information provided.
9. The panel will include:
  - a. A representative clinician as identified by the medical directorate
  - b. A representative commissioner from the commissioning directorate with delegated authority of director of commissioning (who will act as secretary to the panel)

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10. The panel will support requests for a second assessment where all of the following are met:
  - a. The evidence is sufficient to support a request for a second assessment
  - b. The patient can reasonably be expected to complete the course of treatment if the second assessment were to recommend treatment
  - c. The appeal is not solely on financial grounds.
11. Where technology is available the panel may be held virtually
12. The panel decision will be communicated to the director of commissioning for the area team. The panel decision is binding.
13. The decision of any second assessment is also final and cannot be appealed through this policy. However, the patient will be informed of their right to request treatment due to exceptional circumstances, which would be managed through the IFR process. The patient will be informed of the binding nature of the second assessment in the panel decision letter and informed how they can access the IFR process through their dentist.
14. The decision of the panel will be communicated to the patient and dentist within two weeks of sign off.
15. In the case of a second assessment being granted the patient will be informed of the name of an orthodontist who will provide the second opinion. The orthodontist will contact the patient to make their assessment appointment. Letters to support the decision of the panel are available in annexes 5, 6 and 7.

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## Annex 1: Abbreviations and acronyms

A&E	accident and emergency
APHO	Association of Public Health Observatories (now known as the Network of Public Health Observatories)
APMS	Alternative Provider Medical Services
AT	area team (of the NHS Commissioning Board)
AUR	appliance use reviews
BDA	British Dental Association
BMA	British Medical Association
CCG	clinical commissioning group
CD	controlled drug
CDAO	controlled drug accountable officer
CGST	NHS Clinical Governance Support Team
CIC	community interest company
CMO	chief medical officer
COT	course of treatment
CPAF	community pharmacy assurance framework
CQC	Care Quality Commission
CQRS	Calculating Quality Reporting Service (replacement for QMAS)
DAC	dispensing appliance contractor
Days	calendar days unless working days is specifically stated
DBS	Disclosure and Barring Service
DES	directed enhanced service
DH	Department of Health
EEA	European Economic Area
ePACT	electronic prescribing analysis and costs
ESPLPS	essential small pharmacy local pharmaceutical services
EU	European Union
FHS	family health services
FHS AU	family health services appeals unit
FHSS	family health shared services
FPC	family practitioner committee
FTA	failed to attend
FTT	first-tier tribunal
GDP	general dental practitioner
GDS	General Dental Services
GMC	General Medical Council
GMS	General Medical Services

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GP	general practitioner
GPES	GP Extraction Service
GPhC	General Pharmaceutical Council
GSMP	global sum monthly payment
HR	human resources
HSE	Health and Safety Executive
HWB	health and wellbeing board
IC	NHS Information Centre
IELTS	International English Language Testing System
KPIs	key performance indicators
LA	local authority
LDC	local dental committee
LETB	local education and training board
LIN	local intelligence network
LLP	limited liability partnership
LMC	local medical committee
LOC	local optical committee
LPC	local pharmaceutical committee
LPN	local professional network
LPS	local pharmaceutical services
LRC	local representative committee
MDO	medical defence organisation
MHRA	Medicines and Healthcare Products Regulatory Agency
MIS	management information system
MPIG	minimum practice income guarantee
MUR	medicines use review and prescription intervention services
NACV	negotiated annual contract value
NCAS	National Clinical Assessment Service
NDRI	National Duplicate Registration Initiative
NHAIS	National Health Authority Information System (also known as Exeter)
NHS Act	National Health Service Act 2006
NHS BSA	NHS Business Services Authority
NHSCB	NHS Commissioning Board
NHS CfH	NHS Connecting for Health
NHS DS	NHS Dental Services
NHS LA	NHS Litigation Authority
NMS	new medicine service
NPE	net pensionable earnings

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NPSA	National Patient Safety Agency
OJEU	Official Journal of the European Union
OMP	ophthalmic medical practitioner
ONS	Office of National Statistics
OOH	out of hours
PAF	postcode address file
PALS	patient advice and liaison service
PAM	professions allied to medicine
PCC	Primary Care Commissioning
PCT	primary care trust
PDS	personal dental services
PDS NBO	Personal Demographic Service National Back Office
PGD	patient group direction
PHE	Public Health England
PLDP	performers' list decision panel
PMC	primary medical contract
PMS	Personal Medical Services
PNA	pharmaceutical needs assessment
POL	payments online
PPD	prescription pricing division (part of NHS BSA)
PSG	performance screening group
PSNC	Pharmaceutical Services Negotiating Committee
QOF	quality and outcomes framework
RCGP	Royal College of General Practitioners
RO	responsible officer
SEO	social enterprise organisation
SFE	statement of financial entitlements
SI	statutory instrument
SMART	specific, measurable, achievable, realistic, timely
SOA	super output area
SOP	standard operating procedure
SPMS	Specialist Personal Medical Services
SUI	serious untoward incident
UDA	unit of dental activity
UOA	unit of orthodontic activity

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**Annex 2 - Request for second assessment proforma**

Patient details	
Patient name:	Patient date of birth:
Address:	
<p><b>Consent:</b> Patient or patient's parents/guardian consent has been received to share relevant clinical records with the area team panel for consideration of request for second assessment</p> <p><b>Name:</b> (Patient/parent/guardian [delete as appropriate])</p> <p><b>Signature:</b></p> <p><b>Date:</b></p>	
Patients GP and address:	
Patients general dental practitioner and address:	
Patients orthodontic practitioner and address where initial assessment was undertaken:	
Treatment details	
Treatment history (if applicable):	
Assessment of general oral health/condition:	

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IOTN Score and date of assessment	
Summary of treatment requested:	
Cost of assessment (normally expressed in UOAs):	
Clinical information	
Relevant medical history:	
Clinical information including the patient record	
Please include any x-rays, study models, photographs	
Other information	
Has the patient been seen privately in relation to this request?    Yes/No	

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### Annex 3

#### Request for second assessment – panel form

Name of patient

DOB

Date of panel

Date of original assessment from which this appeal originates

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#### 1) Information provided:

- A statement completed fully on pro-forma as provided in annex 2 **Yes/No**
- Patient consent received **Yes/No**
- Appropriate radiographs (if available), **Yes/No**
- Study models (if required), **Yes/No**
- Photographs (if available). **Yes/No**

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#### 2) Panel assessment

**2a)** Is the Information provided adequate to consider the request? **Yes/No**

**2b)** If **NO** state reason(s):

**2c)** If **NO** what action is to be taken (request more info, refer back to practice etc.)

#### 3) Conclusion of the panel, *this patient should:*

3i) **Receive** a second assessment from an orthodontic provider to confirm IOTN score

3ii) **Not receive** a second assessment from an orthodontic provider **OR**

3v) Further Information is required. **Yes/No**

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## Panel reasons for support or refusal

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### 4) Panel members

Name & Job title:

Name & Job title:

Letter sent to patient/parents                      Date:                      By:

Letter sent to dentist                                      Date                                      By:

Letter sent to orthodontist:                              Date                                      By:

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**Annex 4**

**Area team**

**Second opinion request monitoring form**

Patient name	
Practice and clinician	
Date proforma received in office	
To proceed with review	Yes/No Reason(s):
Panel arranged	Date
Panel report submitted to area team  Recommend or deny second assessment	Date  Agreed/deny (reason in minutes)
Area team to assign orthodontist for second opinion	Date
Letter to dentist, orthodontist and parent/guardian (annexes 5, 6 and 7)	Date

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**Annex 5 – Letter to parent/guardian, outcome of panel decision (refusal)**

Dear

[insert patient name]

NHS England has considered your request for a second assessment to consider your eligibility to orthodontic treatment. I am writing to confirm the outcome of your request.

Based on the evidence provided we are unable to support your request for a second opinion for the following reasons:

[insert reasons taken from minutes]

The decision of NHS England is final and cannot be appealed.

With regards

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**Annex 6 – Letter to parent/guardian, outcome of panel decision  
(successful)**

Dear

[insert patient name]

NHS England has considered your request for a second assessment to consider your eligibility for orthodontic treatment. I am writing to confirm NHS England's decision.

Based on the evidence provided to NHS England, we support your request for a second opinion.

You will shortly be contacted by [insert name of provider] to make an appointment for an assessment.

Please note the decision of the second assessment will be final and if they do not agree that you are eligible for orthodontic treatment this outcome cannot be appealed against. If following the second assessment you are still not considered eligible to access NHS orthodontic treatment but believe your personal circumstances are such that you should receive orthodontic treatment you can request treatment via NHS England's individual funding request policy. This can be accessed from your dentist.

With regards

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**Annex 7 – Letter to GDP/orthodontist requesting second opinion**

Dear [Insert name of orthodontist who will perform second assessment]

Following a panel for a request for a second assessment to confirm the patients IOTN, the area team has agreed that the patient [insert name] can have a second assessment to confirm their IOTN. If the patient's IOTN make them eligible the patient can start orthodontic treatment.

The area team is asking you to offer the patient an appointment for an assessment.

[insert patient details]

The patient will be informed that your decision is final and cannot be appealed through this policy if the outcome does not support eligibility for treatment. However, if following the second assessment they are still not eligible due to their IOTN score but believe their personal circumstances are such that they deserve orthodontic treatment they can request treatment via NHS England's individual funding request policy and this can be accessed from their dentist.

With regards

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**Version control tracker**

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