



DEFINITIVE  
EXPERTISE

# in Dispute Resolution



**Our precise analysis and independent opinion gave the British Dental Association some powerful arguments in its fight against a fee increase proposed by the profession's regulator.**

**The British Dental Association, or BDA, is the professional association and trade union for dentists in the UK. The profession is regulated by the General Dental Council (GDC), which charges dentists an annual retention fee.**

In June 2014, the GDC issued a consultation document which proposed to increase that fee by 64%. The BDA was opposed to this, and felt that the consultation document was lacking in several respects. It raised these concerns but did not receive an adequate response. By July, the BDA had instructed solicitors and had informed the GDC that it was considering applying for a judicial review.

At this point, the BDA asked us to analyse the consultation document and answer, in essence, three questions: were adequate financial reasons given for the proposed increase; was it consistent with other information publicly available via the GDC's website; and did it give sufficient information to enable people to challenge the arguments put forward?

We used a range of expertise to address these matters including research skills to identify relevant information, financial

skills to analyse the GDC's business plans and forecasts and to assess their consistency with other data, and communication skills to explain our findings clearly in an independent report.

We concluded that the consultation document was deficient in relation to each matter that we had been asked to consider. We identified arguments in the consultation document that were inadequately explained and inconsistencies between the consultation document and other information previously published by the GDC.

We also set out our view on what further information would be necessary to allow those consulted to challenge the financial arguments upon which the proposed increase was based (noting that the document did not explain how the GDC would respond to challenges or requests for further detail).





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*FTI Consulting's analysis provided the BDA with firm foundations upon which to pursue this case right through into the High Court. In my view, FTI's report contributed significantly to the Judge's conclusion that there was a "gaping hole" in the GDC's arguments, to the finding that the GDC's actions had been unlawful, and to the fact that the BDA was awarded recovery of its costs in this matter. We were grateful for the diligence, speed and professionalism of the FTI team in helping us to win this important case.*

— Peter Ward,  
BDA Chief Executive



## OUTCOME

**THE BDA USED OUR REPORT AS PART OF ITS FORMAL RESPONSE TO THE CONSULTATION AND, LATER, TO SUPPORT ITS APPLICATION FOR JUDICIAL REVIEW.**

In December, in a judgment referencing our report and awarding our client its costs, the Court found that the consultation was indeed not transparent, and thus unlawful.

**INVESTIGATE    EVALUATE    COMMUNICATE**



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