STATUTORY RULES OF NORTHERN IRELAND

2017 No. 10

HEALTH AND PERSONAL SOCIAL SERVICES

The General Dental Services (Amendment) Regulations (Northern Ireland) 2017

Made - - - -	*16th January 2017*
Coming into operation -	*6th February 2017*

The Department of Health(**a**), in conjunction with the Department of Finance(**b**), makes the following Regulations in exercise of the powers conferred by Article 55, 61(1), (2) and (2AA), 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**c**).

In accordance with Article 61(4) of that Order, the Department has consulted with such organisations as appear to be representative of the dental profession.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Dental Services (Amendment) Regulations (Northern Ireland) 2017 and shall come into operation on 6th February 2017.

(2) In these Regulations "General Dental Services Regulations" means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(**d**)

Amendment of the General Dental Services Regulations

2.—(1) The General Dental Services Regulations are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation)—

(a) for the definition of "approved trainer" substitute—

> ""approved trainer" means a dentist on a dental list or pilot performers' list approved by a postgraduate dental dean or a Director of postgraduate dental education as being a dentist who has the requisite skills and suitable practice facilities to enable them to act as a trainer;";

(b) after the definition of "the Dental Charges Regulations" insert—

(**a**) *See* 2016 c.5 Section 1(5)
(**b**) *See* 2016 c.5 Section 1(4)
(**c**) S.I. 1972/1265 (N.I. 14); relevant amending Instruments are Article 13 of S.I. 1978/1907 (N.I. 26), Articles 30, 34, 35 of, and Part 1 of Schedule 5 to, and Part 1of Schedule 6 to, S.I. 1991/ 194 (N.I. 1) and S.I. 1997/1177 (N.I. 7)
(**d**) S.R. 1993 No. 326; relevant amending Regulations are S.R.s 1993 No. 401, 1995 No. 488, 1996 No. 114, 1998 No. 245, 1999 No. 100, 2001 Nos. 2, 89 and 309, 2002 No. 2, 2003 No. 325, 2005 No. 311, 2007 No. 292, 2014 Nos. 3, 267 and 319 and S.I. 2014/1887

""dental foundation certificate" means a certificate confirming that a dentist has satisfactorily completed dental foundation training in Northern Ireland, England, Wales or Scotland;

"dental foundation training" means a relevant period of at least one year of full time employment (or part time equivalent) during which a dental practitioner is employed under a contract of service by an approved trainer to provide a wide range of dental care and treatment and to attend such study days as that contract provides, with the aims and objectives of enhancing clinical and administrative competence and promoting high standards through relevant postgraduate training and in particular to the aim and objectives set out in Schedule 11;

"dental foundation training number" means the number allocated to a dentist by NIMDTA in accordance with regulation 5A, or by a corresponding organisation in England, Wales or Scotland;";

(c) after the definition of "mobile surgery" insert—

""NIMDTA" means the Northern Ireland Medical and Dental Training Agency(**a**);";

(d) after the definition of "salaried dentist" insert—

""satisfactory completion of dental foundation training" and related expressions, shall be construed in accordance with regulation 5CA."; and

(e) for the definition of "vocational training number" substitute—

""vocational training number" means the number allocated to a dentist by the Council in Northern Ireland or corresponding organisation in England, Wales or Scotland;".

(3) In regulation 5 (application for inclusion in the dental list) for paragraphs (3) and (4)(**b**) substitute—

"(3) Where a dentist who wishes to have their name included in the dental list does not have a vocational training number or a dental foundation training number—

(a) paragraph (1) shall apply as if "5A" were omitted from sub-paragraph (a)(i) of that paragraph;

(b) in addition to their application under paragraph (1) as so modified they shall also apply to NIMDTA for a dental foundation training number; and

their application for a dental foundation training number shall be dealt with in accordance with regulation 5A before the Regional Board determines their application under paragraph (1).

(4) Paragraph (2) shall not apply to the application under paragraph (1) of a dentist who does not have a dental foundation training number until such a number has been allocated to them.".

(4) For regulations 5A (applications for vocational training numbers), 5B (additional information), 5C (time for the determination of an application), 5D (appeal body for appeals against the refusal of a vocational training number) and 5E (procedure on appeal)(**c**) substitute—

"Applications for dental foundation training numbers

5A.—(1) An application for a dental foundation training number shall be in writing and shall—

(a) state that the dentist has also made an application under regulation 5(1); and state the date on which it was made; and

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(**a**) The Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004 (S. R. 2004 No. 62)

(**b**) Paragraphs (3) and (4) were inserted by regulation 3(3) of S.R. 1993 No. 401

(**c**) Regulation 5A, 5B, 5C, 5D and 5E were inserted by regulation 4 of S.R. 1993 No. 401 and amended by regulation 4 of S.R. 1998 No. 245 and regulation 5(3) of S.R. 1999 No. 100

(b) state that the dentist has completed vocational training or has satisfactorily completed dental foundation training and be accompanied by their vocational training certificate or dental foundation training certificate; or

(c) state that the experience or training which the dentist has acquired ought to be regarded as equivalent to dental foundation training and be accompanied by written details of that experience or training; or

(d) state that the dentist is exempt from the requirement to have completed dental foundation training on one of the grounds set out in paragraph (4) and be accompanied by written details in support of that statement.

(2) All applications under paragraph (1) shall be considered and determined without an oral hearing and without the attendance of the applicant.

(3) For the purposes of paragraph (1)(c) experience or training shall not be prevented from being equivalent to dental foundation training merely because the structure of the experience or training does not comply exactly with the definition of dental foundation training.

(4) The grounds upon which a dentist is exempt from the requirement to have satisfactorily completed dental foundation training are—

(a) they are registered as a dentist by virtue of section 15(1)(b) of the Dentists Act (registration of nationals of member States who hold appropriate European diplomas) or is in any other way a person in respect of whom a member State is prohibited by Community law from imposing such a requirement; or

(b) their name has been included in a dental list in the United Kingdom within the period of five years ending on the date of their application to be included in the dental list; or

(c) they hold a voluntary vocational training certificate dated on or after—

(i) 1st August 1989 in the case of a certificate issued in Northern Ireland;

(ii) 1st January 1988 in the case of a certificate issued in England and Wales; or

(iii) 1st July 1988 in the case of a certificate issued in Scotland; or

(d) they have practised in primary dental care in either the community dental service or the armed forces of the Crown or have performed personal dental services in connection with a pilot scheme, for a period amounting in aggregate to not less than four years full-time employment (or part-time employment of equivalent duration), and have so practised for not less than four months in full-time employment (or part-time employment of equivalent duration) within the period of four years ending with the date of their application under regulation 5(1); or

(e) in the case of any application made before 1st October 1998, they were on 1st October 1993, employed as a Senior House Officer or Registrar in a hospital in the United Kingdom or enrolled on a course intended to lead to a Master's degree in dentistry or Membership Diploma in dentistry of any of the Royal Colleges of Surgeons in the United Kingdom.

(5) In paragraph (4)—

(a) in sub-paragraph (d), "primary dental care" means care and treatment delivered by the dentist at the first point of contact with the patient, and the "community dental service" means the dental service provided in Northern Ireland under Articles 5(1)(c), 9(1)(a) and (1A) of the Order(**a**) and administered by the Regional Board and HSC trusts, and corresponding provision in England, Wales or Scotland; and

(b) in sub-paragraph (e), "Membership Diploma" means any postgraduate dental qualification which is registrable with the General Dental Council.

(**a**) Article 9(1)(a) was amended by Article 6(2) of S.I. 1988/2249 (N.I. 24) and Article 9(1A) was inserted by Article 6(3) of that order

(6) An application for a dental foundation training number shall be granted if the applicant—

(a) has had a dental foundation or a vocational training certificate issued to them; or

(b) has acquired experience or completed training which ought to be regarded as equivalent to satisfactory completion of dental foundation training; or

(c) is exempt from the requirement to have satisfactorily completed dental foundation training or completed vocational training on one of the grounds set out in paragraph (4) above.

(7) NIMDTA shall determine whether an applicant for a dental foundation training number comes within one of sub-paragraphs (b) to (d) of paragraph (1) and, if NIMDTA determines that they do, it shall allocate to them a dental foundation training number, notify them of that number, and enter the number against the name of the applicant in a register which it shall keep for that purpose.

(8) If NIMDTA does not allocate a dental foundation training number to the applicant, it shall send them a notice to that effect together with a statement setting out the reasons why it has not done so and telling them about their right to appeal to the appeal body and giving particulars of the address to which an appeal, if made, must be sent.

Additional information

5B.—(1) NIMDTA may request of any applicant additional information and documents in respect of any application, and where any such request is made—

(a) it shall be in writing;

(b) shall specify a reasonable date by which the information or documents are to be provided; and

(c) the applicant shall provide the additional information and documents requested within such reasonable time.

(2) If the applicant fails to provide the additional information and documents requested within the time specified by NIMDTA, NIMDTA may proceed to determine the application on the basis of the information and documents which it has before it.

Time for the determination of an application

5C.—(1) Subject to paragraph 2(b) an application under 5A(1)(b) or (d) may be considered by and may be determined by an officer designated for the purpose by NIMDTA.

(2) The designated officer shall either—

(a) grant the application within fourteen days of receipt and allocate a dental foundation training number to the applicant; or

(b) if it sees fit, refer the application for consideration and determination in accordance with paragraph (3).

(3) Any application under regulation 5A(1)(c), and any application referred in accordance with paragraph (2)(b), shall be considered and determined by a panel, formed for the purpose, by NIMDTA.

(4) An application under paragraph (3) shall be determined—

(a) where no additional information or documents are requested pursuant to regulation 5B within the period of 12 weeks beginning with the date on which the application is received, or

(b) where such additional information or documents are requested—

(i) within the period of 12 weeks beginning with the date on which such information or documents are received, or

(ii) where the applicant has failed to provide the additional information or documents requested, within the period of 12 weeks beginning with the date on which the period provided for in regulation 5B(1)(b) expired.

(5) NIMDTA shall notify the applicant within 10 days of making its decision.

Satisfactory completion of dental foundation training

5CA. Dental foundation training shall be deemed to be satisfactorily completed if the dentist has been assessed as meeting the aims and objectives for dental foundation training, as set out in Schedule 11, by reaching a satisfactory standard in accordance with the appropriate assessment tools used by NIMDTA.

Appeal body for appeals against the refusal of a dental foundation training number

5D.—(1) The body prescribed for the purposes of Article 61(2AA) of the Order, to which appeals may be made in respect of a refusal to include a dental practitioner in a dental list because they have been refused a dental foundation training number, shall be appointed by the Department and shall consist of three persons of whom—

(a) one shall be a legally qualified person who shall be so appointed to be the Chair; and

(b) two shall be dentists nominated by such organisation as appears to the Department to represent the dental profession.

(2) Any nomination for the purposes of paragraph (1) may be made either specially or generally.

(3) The Department shall appoint a person to act as secretary of the appeal body and, may also appoint such other officers as may be deemed necessary.

Procedure on appeal

5E.—(1) A dentist whose application for a dental foundation training number has been refused by NIMDTA may appeal against the refusal by giving to the appeal body, within 28 days after they have received notice of NIMDTA's decision pursuant to regulation 5A(8) (or such extended period as the appeal body may allow pursuant to paragraph (2)), a written notice of appeal setting out a concise statement of the facts and contentions on which they intend to rely.

(2) The appeal body may agree to an extension or further extension of the period of 28 days for lodging an appeal (either before or after that period has expired).

(3) In connection with an appeal, the appeal body may require such further particulars from an appellant and such documents in support of their appeal, and may make such inquiries of such persons as it thinks fit.

(4) The appeal body shall send to the appellant a copy of any comments made by such persons in reply to those inquiries and shall give the appellant a period of 28 days beginning with the date on which the comments are sent to them in which to reply to such comments.

(5) The appeal body shall give notice to the appellant that they may, within such period as is specified in the notice, require the appeal body to give them an opportunity of appearing before and being heard by the appeal body.

(6) The appeal body shall appoint a date, time and place for the consideration of the appeal, and may, or shall if so required by the appellant, hold a hearing for that purpose.

(7) If a hearing is to be held, the appeal body shall appoint a date, time and place for the hearing, and, not less than 28 days before that date, shall send notice to the appellant and to NIMDTA informing them of the date, time and place.

(8) At a hearing by the appeal body, the appellant may appear and be heard in person or be represented by Counsel or solicitor or by any other person on their behalf, and NIMDTA

may appear and be represented by Counsel or solicitor or by any duly authorised member or officer.

(9) The appellant may withdraw their appeal at any time.

(10) Where the appellant does not appear at the hearing and is not represented, the appeal body may, if they are not satisfied that such failure to appear or be represented was due to a reasonable cause, treat any request for a hearing as having been withdrawn.

(11) The proceedings of the appeal body shall be in private.

(12) The appeal body shall determine the appeal and shall, within 10 days of that determination, notify the appellant and NIMDTA in writing of their decision and the reasons for it.

(13) In arriving at their decision in the appeal the decision of the appeal body shall be the decision of a majority and shall be final.

(14) The provisions of Schedule A1 to the Interpretation Act (Northern Ireland) 1954(**a**) (which relate to the summoning of witnesses and the production of documents in connection with an inquiry held by the Department) shall apply for the purposes of any appeal held under this regulation as if it was an inquiry caused to be held by the Department and as if, in paragraphs 3, 4 and 5 of that Schedule, for the words "the person appointed to hold the inquiry" there were substituted the words "the Chair of an appeal body appointed for the purposes of the General Dental Services (Amendment) Regulations (Northern Ireland) 1993".

(15) Where NIMDTA receives notice that a dentist's appeal has been allowed, it shall allocate a dental foundation training number to the dentist, notify them of that number, and enter that number in its register of dental foundation training numbers.

(16) Subject to the foregoing paragraphs the procedure of the appeal body shall be such as that body thinks fit.".

(5) In regulation 19(1)(statement of dental remuneration)(**b**) in column (2) of row IV of the table for "Vocational training allowances/General Professional training allowance;" substitute "Vocational training allowances/ dental foundation training allowances;".

(6) For regulation 36(2) (service of documents)(**c**) substitute—

"(2) Any notice or other document which is required or authorised by these regulations to be given or sent to the appeal body for the purposes of an appeal against a refusal to allocate a dental foundation training number may be given or sent by delivering it to the secretary of the appeal body.".

(7) In Part I of Schedule 3 (information and undertaking to be included in an application for inclusion in the dental list) for paragraph 5A(**d**) substitute—

"5A. Their dental foundation or vocational training number.".

(8) After Schedule 10 (constituent elements in vocational training)(**e**) add—

(**a**) 1954 c.33 Schedule A1 was inserted by section 23 (as substituted section 47 of 2005 c.12)
(**b**) Row IV was amended by regulation 2(2) of S.R. 2003 No. 325
(**c**) Paragraph (2) was inserted by regulation 6(1)(b) of S.R. 1993 No. 401
(**d**) Paragraph 5A.was inserted by regulation 7 of S.R. 1993 No. 401
(**e**) Schedule 10 was inserted by regulation 8 of, and the Schedule to, S.R. 1993 No. 401

"SCHEDULE 11 Regulation 2

CONSTITUENT ELEMENTS IN DENTAL FOUNDATION TRAINING

Overall Aim

To enhance clinical and administrative competence and promote high standards through relevant postgraduate training and in particular to—

(a) enable the dental practitioner to practise and improve their skills;

(b) introduce the dental practitioner to all aspects of dental practice in primary care;

(c) identify the dental practitioner's personal strengths and weaknesses and balance them through a planned programme of training;

(d) promote oral health of, and quality dental care for, patients;

(e) develop and implement peer and self review, and promote awareness of the need for professional education, training and audit as a continuing process.

Objectives

(a) make competent and confident professional decisions including decisions for referrals to other services,

(b) demonstrate that the dental practitioner is working within the guidelines regarding the ethics and confidentiality of dental practice,

(c) implement regulations and guidelines for the delivery of safe practice,

(d) know how to obtain appropriate advice on, and practical experience of, legal and financial aspects of practice, and

(e) demonstrate that they have acquired skill and knowledge in the psychology of care of patients and can work successfully as a member of a practice team.".

Sealed with the Official Seal of the Department of Health on 16th January 2017.

L.S.

Simon Reid
A senior officer of the Department of Health

Sealed with the Official Seal of the Department of Finance on 16th January 2017

L.S.

Emer Morelli
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the General Dental Services Regulations (Northern Ireland) 1993 ("the GDS Regulations") to reflect updated terminology concerning the post graduate training of dentists. The GDS Regulations deal with the arrangements for the provision of Health Service dental services in Northern Ireland. In order to provide Health Service general dental services a dentist must apply to join the Regional Board's dental list. To be listed a dentist must (unless exempt) provide a "vocational training" number. The term "vocational" has been replaced by "dental foundation".

Vocational Training (now "dental foundation training") is a period of at least one year's full time employment (or part-time equivalent) during which a dental graduate is employed by an approved dental trainer to provide a wide range of dental care and treatment. During this period the dental graduate completes a post registration day-release course of at least one year (or part-time equivalent) to achieve a certificate to enable them to have a DS (Dental Surgeon) number with the Regional Board to practice in their own right. Training is currently facilitated for Northern Ireland by the NI Medical and Dental and Training Agency (NIMDTA).

Additional amendments to certain wording in the GDS Regulations are to ensure that future dental foundation training is completed "satisfactorily" (as the training period is now subject to assessment) and adds a new Schedule 11 providing for the various aims and objectives. Other amendments update legislative references.

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ISBN 978-0-33-800700-1

£6.00

NI201701163 01/2017 19585

http://www.legislation.gov.uk/id/nisr/2017/10

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